DÆDALUS

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American Civilization: New Perspectives

Gerhard Casper
Robert Coles
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Joseph Goldstein
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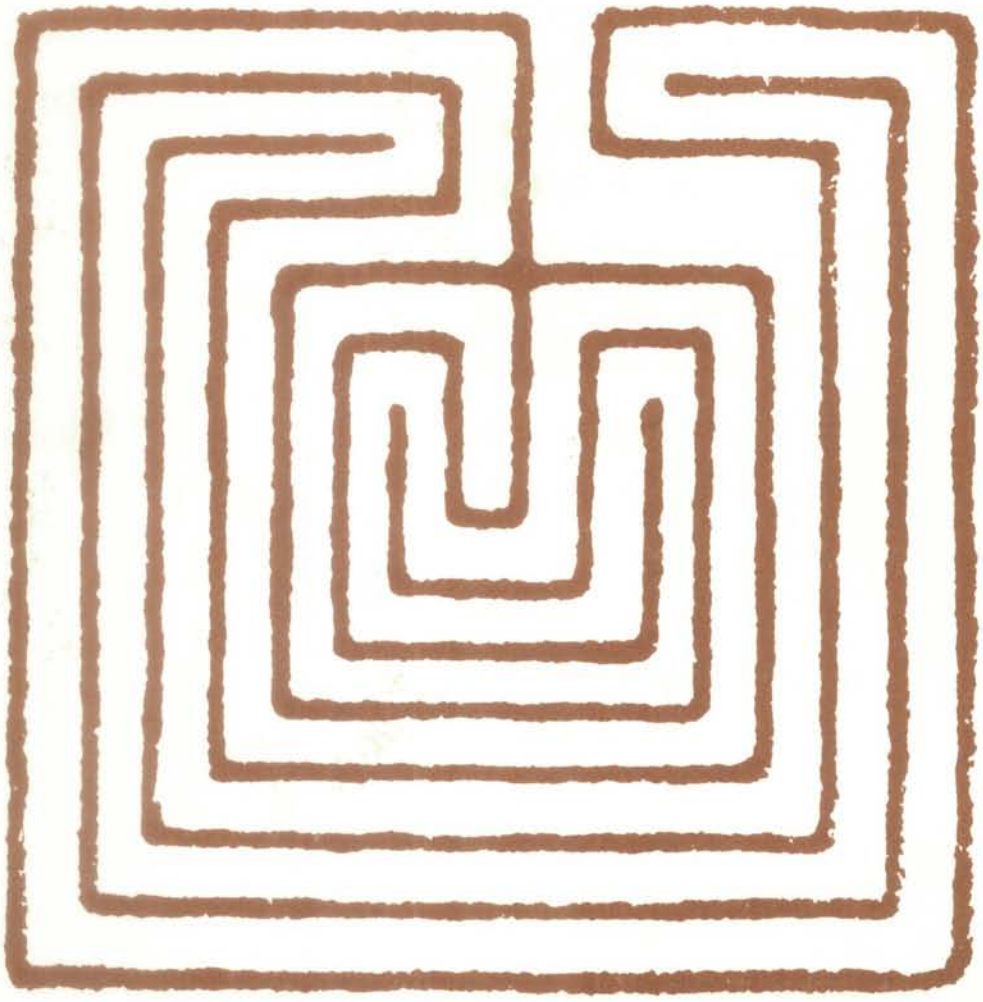

Fall 1976

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Journal of the American Academy of Arts and Sciences

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	v	*Preface*
WINTHROP D. JORDAN	1	*Searching for Adulthood in America*
TAMARA K. HAREVEN	13	*The Last Stage: Historical Adulthood and Old Age*
ROBERT COLES	29	*Work and Self-Respect*
WALLACE STEGNER	39	*The Writer and the Concept of Adulthood*
KENNETH S. LYNN	49	*Adulthood in American Literature*
ROGER ROSENBLATT	61	*Growing Up on Television*
JOSEPH GOLDSTEIN	69	*On Being Adult and Being An Adult in Secular Law*
WILLARD HURST	89	*Consensus and Conflict in Twentieth-Century Public Policy*
GERHARD CASPER	103	*Social Differences and the Franchise*
NATHAN GLAZER	115	*Liberty, Equality, Fraternity—and Ethnicity*

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BARRY D. KARL 129 *Philanthropy, Policy Planning, and the Bureaucratization of the Democratic Ideal*

HARVEY C. MANSFIELD, JR. 151 *The Right of Revolution*

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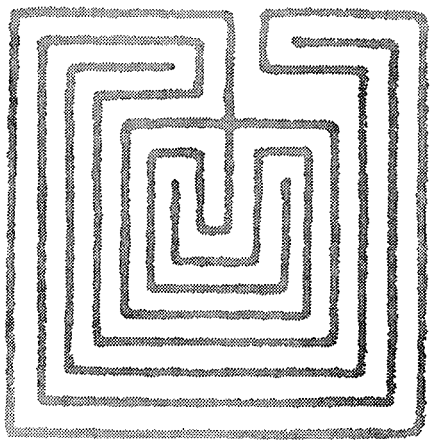

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Preface to the Issue, "American Civilization: New Perspectives"

THIS ISSUE of *Daedalus* draws on the results of two separate American Academy ventures, both of them initiated several years ago. The first was inspired by Erik Erikson and involved scholars from many disciplines in explorations of a theme that is even today too little studied: adulthood as a universal phenomenon. The Spring 1976 issue of *Daedalus* offered the initial results of these discussions; the essays included in the present volume supplement them by concentrating specifically on adulthood in the United States as it has been regarded historically and as it is experienced today.

The second Academy venture we are drawing on is a study scheduled for publication in 1977; it bears the title "A New America?," and it will be an exploration of the ways major American institutions have changed—if, indeed, they have changed—in recent years and how these changes may be related to altered American mores, perceptions, and beliefs. One aspect of this discussion will be the relation between liberty and equality—a subject that preoccupied so many in the nineteenth century. It will touch on the ways in which legislation, public opinion, judicial decision, and administration give weight to some tendencies while subtly depreciating or undermining others. The second part of the present volume comprises essays that may be regarded as introductory studies for the larger issue; these essays also suggest the kinds of new perspectives that are needed in an area where the representations of the mass media still dominate, almost certainly to our detriment.

Winthrop Jordan suggests why the very notion of adulthood was unknown in the eighteenth and early nineteenth centuries, and why it was only in the twentieth century that the term came to have some meaning in the United States. Altered social conditions, drawing largely on the consequences of industrialization, made the distinctions between men and women less conspicuous, while establishing barriers to the employment of the young. As Jordan writes, ". . . work, or 'career,' began to lose its linkage with sex just at the time when the age of 'getting a job' was rising considerably. There was an increasingly solid social base for thinking of the late teens as an age when people of both sexes entered a distinct new phase of their lives, one which would last until it came to an abrupt halt, not so frequently as before by death but by mandatory retirement."

This is a theme that Tamara Hareven develops in very considerable detail. Her interest is to explore how in the late nineteenth century the aged came increasingly to be seen in the United States as weak and obsolescent; old age itself came to be viewed as a major social problem. Hareven speaks of the "growing segregation of different stages of life," of the changes in family structure and function, of the growth of privatism and individualism, all of which influenced the ways in which the aged were, and are, treated and regarded. In the end, the problems of the aged may be only the most acute manifestations of problems that are general to the society, experienced by others also, but particularly painful to those who are thought to be useless.

The centrality of work—the role of work in giving the individual a sense of his or her own worth—emphasized by Hareven is also developed by Robert Coles and Wallace Stegner. Without pretending to have found the "representative" American worker, Coles suggests that to be "grown-up" in the world of working men and women means to be "responsible, hard-working, dedicated, and, not least, self-sacrificing

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without demonstrations of self-pity." He sees Freud's emphasis on love and worth "as the normal aims of mature men and women [coming] very close to approximating what ordinary people say about themselves when they try to gauge their 'success.' " Unemployment is not simply an economic scourge; it is a psychic wound—a loss of self-respect.

Wallace Stegner writes that "more people than would probably admit it find in work the scaffolding that holds up the adult life." Even those "papered-over puritans" who choose to flee industrial civilization are almost always looking for the kind of autonomy in their work that artists and writers are thought to enjoy. Stegner describes how a writer's life is lived in fact, and what the decline in his creative powers does to his view of himself as an adult.

Kenneth Lynn approaches the subject historically and writes about how major American writers have represented adulthood in their books. He asks why so many American nineteenth-century novels have ended up on the shelves of children, and finds the answer in the psychic immaturity of the novelists themselves, who failed to treat many of the more important aspects of adult life, including that of adult sexuality. The heroes of these works typically resolve their problems by running away, "taking to the sea or withdrawing into gloomy mansions or high-walled castles or disappearing into the forest." Lynn finds the explanation for this escapism in the unwillingness of nineteenth-century American civilization more generally to face reality. The tendency has not totally vanished even in the twentieth century where much of American fiction appeals chiefly to the adolescent mentality, rather than speaking to the adult condition.

Roger Rosenblatt makes analogous points about American television. Most television programs belittle adult values—if indeed memory, reason, civility, and authority are values that adults esteem. According to Rosenblatt, television is a "celebration of pure irresponsibility." In its family shows as in its quiz shows, in its news reporting and in its advertising, there is a subtle but persistent denial of adult possibilities. Also, just as seriously, perhaps, the medium isolates the individual, giving him a false sense of freedom. "Every night in America . . . the screens glow bright, and man sits down to see how free he can be. . . . He is a grown-up, after all, and has earned his independence."

Joseph Goldstein considers the ways in which American law perceives the adult, and he thereby pursues a theme already opened in the earlier *Daedalus* issue where religion and science were used as major "texts" for considering changing perceptions on the character, stages, and import of adult status. He notes that American secular law rarely uses the term "adult" except to distinguish such a person from a child, nor does it impose moral or ethical standards for adulthood, though it may set minimum standards below which no adult may go without incurring certain penalties. Goldstein then examines "the interrelated processes in secular law for determining what persons are to be recognized as adults and within what boundaries such persons are to be free of coercive state intervention to pursue their own individual notions of adulthood."

Goldstein's essay also provides a convenient transition to the articles that comprise the second part of this issue, where the role of law in shaping American society is treated. Willard Hurst reflects on the values expressed in American law that have become influential today. While public policy in the past emphasized the dignity of individual life, Hurst points to what he calls a "heightened concern for the commonwealth," which has modified the value that the law has traditionally placed on active

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will, often expressed as a defense of the rights of private association, and most particularly of the business corporation. Hurst sees the nineteen-fifties as a watershed: the country became "increasingly conscious of the unsolved problems of privilege, centering especially on wealth, race, and sex." The conflict that developed has challenged, in Hurst's view, the moral and political legitimacy of the society. A good many of the major social, economic, and political developments touching on problems of inequality have in fact resulted from specific legal decisions, often working in close conjunction with changes in public opinion.

Gerhard Casper, in describing how nineteenth-century America managed to extend the political franchise while leaving social inequalities to be settled largely through the free forces of the market, suggests that the voting-rights extensions of recent years, however practically important, were in no sense new: they simply completed a process that had begun many decades earlier. This was not the case, however, with the issue of equal representation, which Casper sees as having led to Supreme Court decisions that make racial and ethnic characteristics relevant to legislative representation. The change is significant, for, as Casper explains, it is no longer a matter of securing access to power but of securing "substantive equality in the sharing of power."

Nathan Glazer addresses an allied problem when he asks why "the achievement of equality in a multi-ethnic society turned out to be a rather more complicated matter than the civil-rights legislation of the nineteen-sixties and the public opinion that supported it had expected." Glazer suggests that most of us are reluctant to acknowledge that the slowness in realizing certain objectives is caused, not by the failure of government to enforce its laws, nor by the capacity of private agencies to flout them, but by the fact that "equality of opportunity and of treatment, insofar as we can measure it, will not automatically lead to an equal outcome for all groups—at least not rapidly." Glazer also points to the diminished tolerance in this country for any theory that emphasizes substantial differences among individuals or groups—the differences that may be tolerated within a specific racial or ethnic group are totally inadmissable when they are used to suggest why one group may be doing better than another. Glazer is worried by what he sees as the danger of Balkanization, "in which group after group struggles for the benefits of special treatment on the basis of some claim—which too many can make—to discriminatory treatment to some degree, if not now then at some time in the past."

Barry Karl speaks of other kinds of inequality that are resented in America. His concern is with American antipathy toward managerial elites. The hostility is long-standing: the need, Karl believes, is to recognize that a new managerial elite is in the making, that its bureaucratization and professionalization will certainly make it unattractive to many, but that its utility for American democracy is incontestable. Bureaucracies, public and private, have been developing in the United States for well over half a century, and Karl sees them as having provided whatever planning the society can lay claim to. Looking at philanthropy, Karl asks what the bureaucratization of such activity has meant and how it has led to a new mediating role which is essentially political (though rarely acknowledged as such). The ideal bureaucrat as he was portrayed by Max Weber, who saw him as ideologically neutral, is very different from today's bureaucrat, fighting for his professional interests.

It is perhaps appropriate that an issue on American civilization published in the Bicentennial year should conclude with a consideration of what has happened to the eighteenth-century principle establishing the right of revolution. Harvey Mansfield

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suggests that the subject has disappeared from political discourse. To proclaim such a right has become suspect to many American intellectuals, including historians and philosophers, and Mansfield tries to find out why the principle makes so many so skittish.

This issue of *Daedalus* could not have been published without the generous support of the Ford Foundation. It is a pleasure to acknowledge the debt; it has made possible kinds of inquiry that could otherwise not have been pursued.

S.R.G.

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WINTHROP D. JORDAN

Searching for Adulthood in America

IT IS AN INTERESTING COMMENTARY ON OUR CULTURE that we find ourselves asking: What does adulthood mean? As with so many human affairs, the meaning lies in the question. From a historian's vantage point, what is arresting is that we should be asking a question that would have made so little sense to our forebears.

A word of caution is in order: my present assignment is to trace the history of the concept of adulthood in one country—the United States. It is immediately obvious that there are difficulties in treating the concept within a single national unit, particularly the United States, where one is dealing with a multiplicity of cultural traditions. One could argue that the United States is merely one segment of Western culture or, today, of technological world culture. On the other hand, one could stress the diversity of the nation and discuss concepts that have prevailed among various American ethnic and religious groups. To do so would entail entering a fascinating arena, but one so thicketed with complexities as to require a very lengthy disquisition. We would have to deal, for example, with such phenomena as ten-year-old black youths calling each other "man," as well as with their fathers who are called—or at least used to be—"boys." We would have to deal, too, with Irish Catholic families in which sons become "Fathers" to their parents. There are myriad similar problems. Rather than plunge into this briarpatch, I will confine myself to prevailing ideas in America—most evident and predominant in the non-ethnic middle class—trusting that it will be borne in mind that many of these ideas were not, and are not, confined to this country and, indeed, that the concept of adulthood constitutes a most inappropriate vehicle for any attempt to define America's uniqueness. Indeed "adulthood," as we ordinarily think of it today, is largely an artifact of twentieth-century American culture. Historically that concept emerged by a process of exclusion, as a final product resulting from prior definitions of other stages in the human life cycle.

I

If one ransacks the cultural baggage of the early English settlers of this nation, one searches in vain for any well defined concept of adulthood. Perhaps one might at least expect to find some vague outlines of such a concept in the extensive Puritan literature on the family, but one does not. In early seventeenth-century England, the Reverend William Gouge's *Of Domestical Duties* managed to offer more than six hundred pages on the family without saying anything about the life cycle of families or of individuals.[1] Gouge's approach was typical of the day: he discussed the duties of the husband, of

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the wife, of children, and of servants. The roles played by each are entirely static; growth and even change are totally absent.

It would be a mistake to see Gouge's portrayal as a reflection of an entirely static society. His England was just the opposite: dynamic and in the throes of social and economic change—a restless, voyaging, trafficking, discovering nation whose accomplishments were so eloquently trumpeted by Richard Hakluyt. Rather, it makes much more sense to view the rigidities of Gouge's description as reflecting concern about increasing fluidity in the social and perhaps even familial structures of Tudor-Stuart England. While Hakluyt called upon the English to plant themselves in America, Gouge cautioned the godly to perform their domestic duties—each according to his appointed familial station. The duties—not the development—of the roles were what counted.

If one turns to the theology of the early English settlers in America, which was predominantly Puritan or at least Low-Church Protestant, one finds an analogous situation. A predestinarian theology, no matter how much modified by covenants that restrained God's arbitrary power, was scarcely the body of thought to encourage notions of personal growth, maturing, or becoming psychologically adult. No matter how dynamic in the long run, Puritanism spoke for stasis, for striving to know one's existing condition rather than becoming something one was not. To some extent the conversion experience implied change, but it was a limited one since no matter how diligently the individual nurtured the seed of grace, in the end God did all. It is striking that the prevailing imagery of conversion was not one of maturation (despite the seed) but of rebirth. In the long run, indeed, the Arminianization of this theology was required before a fully developed psychological concept of adulthood could emerge. I use the ungainly term "Arminianization" as shorthand for that lengthy process by which Calvinist predestinarianism gave way to a theology that emphasized the individual's ability to gain salvation by means of his own efforts, often aided by revivalistic preaching. Only when the individual's own struggles were given far greater weight in the process of conversion would there be room for a process of reaching psychological maturity. In mid-nineteenth-century America, creeping Arminianization had rusted the bolts of the one-hoss shay pretty badly; it was then that one of the most popular religious books on the family could be entitled *Christian Nurture*.

It would be absurd to contend that our forebears in the nineteenth century—or in the seventeenth century—had absolutely no realization that human beings are born pretty helpless and irresponsible and that their capacities for dealing with the world gradually enlarge. They knew perfectly well that some people were grown-ups and others were children. Though they were not inclined to articulate their recognition of biological and psychological maturity, at times they were forced to draw distinctions based on the reality of human maturation.

In this connection it is instructive to turn to the realm of the law, which embodies a society's ground rules for social rights and responsibilities. Given the rigidities and formalism of Anglo-American written law, one would expect to find some chronological definition of when infant irresponsibility was judged to have ended and adult rights and duties were said to have been acquired. For centuries the common law, and until very recently American statutory and constitutional law, placed that age at 21. Twenty-one has traditionally been the end of nonage. This is not to say, however, that the law has been decisive and unambiguous in plumping for 21 (or 18), since

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there have always been considerable confusion and inconsistency on the matter. Indeed, the law has reflected a strong sense that individuals acquire capacities gradually, as well as the fact that, in this culture at least, males and females acquire them at different ages. In the seventeen-sixties, for example, Blackstone, the English common-law jurist who was so influential in America, summarized the situation as follows:

> The ages of male and female are different for different purposes. A male at *twelve* years old may take the oath of allegiance; at *fourteen* is at years of discretion, and therefore may consent or disagree to marriage, may choose his guardian, and, if his discretion be actually proved, may make his testament of his personal estate; at *seventeen* may be an executor; and at *twenty-one* is at his own disposal, and may alien his lands, goods, and chattels. A female also at *seven* years of age may be betrothed or given in marriage; at *nine* is entitled to dower; at *twelve* is at years of maturity, and therefore may consent or disagree to marriage, and, if proved to have sufficient discretion, may bequeath her personal estate; at *fourteen* is at years of legal discretion, and may choose a guardian; at seventeen may be executrix; and at *twenty-one* may dispose of herself and her lands.

Still more revealing of uncertainty concerning chronological age was Blackstone's discussion of the ages of criminal responsibility. From age 14 a person could be punished capitally; under the age of 7, he could not. But, Blackstone wrote, "the period between *seven* and *fourteen* is subject of much uncertainty," and he went on to cite "two instances, one of a girl thirteen, who was burned for killing her mistress; another of a boy still younger, that had killed his companion, and hid himself, who was hanged; for it appeared by his hiding that he knew he had done wrong, and could discern between good and evil."[2] A similar lack of certainty has prevailed in this country to this day, exacerbated by a federal system of government. Not only have the various states set various ages at various times for various purposes, but the national government has wavered on the matter. In general, marriage has tended to confer certain rights regardless of age, which is one reason why the states have regulated the age of marriage, with what consistency may be judged from the following:

MINIMUM AGE FOR MARRIAGE, SELECTED STATES, 1971[3]

	WITH PARENTAL CONSENT		WITHOUT PARENTAL CONSENT	
	Male	*Female*	*Male*	*Female*
Alabama	17	14	21	18
Florida	18	16	21	21
Maine	16	16	20	18
Michigan	No provision	16	18	18
North Dakota	18	15	21	18
Texas	16	14	19	18

That females have earlier rights probably reflects assumptions about their customary subordination in marriage rather than about their earlier maturation. As for males, their age of suitability for military service has been judged at various times to be as low as 16 years or as high as 21, with no clear trend through time nor correlation with wartime exigencies.[4]

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And the relationship of these data with the concept of adulthood? It would be possible, of course, to argue that these various ages reflect a consciousness of maturation as a process, of adulthood as something people grow into. On the other hand, it may well be that the real importance of these figures lies in their imprecision, especially in a society so given to quantitative preciseness. Indeed, if there had existed a clearer concept of adulthood, there might well have been greater consistency regarding the age at which the society's members were deemed to have attained that status. It is in this light, perhaps, that we may view the very recent tendency to settle upon the single age of 18 for legal maturity for most or all purposes and for—the point is of some importance—both men and women. It is only in the nineteen-seventies that we are approaching a consensus as to the proper legal age of majority.

As another means of assessing the early shape of the concept of adulthood, one can turn to the term itself. If the *Oxford English Dictionary* is correct, the word "adulthood" came into use only a century ago: the *OED* gives 1870, though "adultness" appears a century earlier. The term "adult" itself is, of course, considerably older, but nonetheless a relatively recent acquisition. It derives from the past participle of the Latin *adolescere*, "to grow up," but it may have been adopted directly from the French *adulte*, itself a sixteenth-century adaptation of the Latin. It was used in English once in 1531 but, says the *OED*, was "not really naturalized till the middle of the seventeenth century." Even then it seems not to have firmly acquired its modern meaning(s), for in 1726 one author announced that "an adult Age is above the age of Puberty and under that of twenty-five years." At least in my experience, the word was not frequently used in eighteenth- or even nineteenth-century America. And of course it has only been in recent years that the term has taken on the burden of freight it carries in such phrases as "adult education" and "adult films" for "adults only."

II

All this is to argue the negative proposition that, to put the matter baldly, the concept of adulthood, in the psychological sense we ordinarily use today, did not appear in America at all until after the Civil War and not really until the early twentieth century. One reason for this absence, already suggested, was theological: American Christianity had to be Arminianized. Another necessary precondition for the emergence of a concept of adulthood was, once again to state the case bluntly, that the family had to be de-politicized—that is to say, notions about maturity and immaturity, mastery and dependence originally had pronouncedly political overtones in which we can detect the potentiality of a shift toward emphasizing these qualities in individuals.

The analogy between the family and the state has its own long history. It was very commonly drawn in seventeenth-century England and America. The family was, as the equation went, "a little commonwealth" whose head was its "governor." And of course familial imagery was very commonly used to describe the state. Amid all the contractualism of the seventeenth and eighteenth centuries, the king remained the "father" of his people. John Locke's instinct was perfectly sound when he advanced his political contract in the form of an attack upon Sir Robert Filmer's patriarchal theory of monarchy.

Although historians have not chosen to pay much attention to it, there was a crescendo of familial-political imagery at the time of the American Revolution. As he was so repeatedly denominated, George III was the "father" of his people and they

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properly owed him "filial" obedience and respect until he transformed that "natural" relationship by becoming a "tyrant." While George III was the "father," Great Britain was the "parent" or the "mother" country of the Colonies. It was precisely these natural relationships that Thomas Paine so successfully assailed in *Common Sense* when he denounced the king as "the royal brute of Great-Britain" (i.e., standing in an *un*natural relationship to the colonists) and declared that Europe, not England, was the "parent" of America.

These terms were common currency, and it is scarcely any wonder that many writers extended the analogy by incorporating an image of maturation to describe what was happening. It was not a new image. In the seventeenth century, James Harrington had described the colonies in America as being "yet Babes that cannot live without sucking the Breasts of their Mother Citys," but they will "wean themselves," he warned, "when they come of age."[5] In August, 1776, one English friend of the American cause, Richard Price, undertook to refute the common assertion that the "infant" colonies owed obedience to the "parent state":

> Children having no property, and being incapable of guiding themselves, the author of nature has committed the care of them to their parents, and subjected them to their absolute authority. But there is a period when having acquired property, and a capacity of judging for themselves, they become independent agents; and when, for this reason, the authority of their parents ceases, and becomes nothing but the respect and influence due to benefactors. Supposing, therefore, that the order of nature in establishing the relation between parents and children, ought to have been the rule of our conduct to the Colonies, we should have been gradually relaxing our authority as they grew up. But like mad parents, we have done the contrary; and, at the very time when our authority should have been most relaxed, we have carried it to the greatest extent, and exercised it with the greatest rigour. No wonder then, that they have turned upon us; and obliged us to remember that they are not children.[6]

More pithily than Price, Thomas Paine announced airily, "To know whether it be the interest of the continent to be independent, we need only ask this easy, simple question: Is it the interest of a man to be a boy all his life?"[7]

This mode of political discourse became less common after the Revolution, but it did not dissipate entirely until after the Civil War. In the antebellum era, Americans declaimed on the virtues of "the founding fathers" and made George Washington "the Father of his country." At the time of the War of 1812, it was still possible to utilize (and to mix) the metaphor of maturation: "We can watch them better than our fathers were able to do. In 1776, the vessel of state was launched into an unknown sea . . . and we were as children. . . . In 1812, we have a stable and solid government . . . we are abundantly supplied with weapons of defence, we are in a state of comparative manhood. . . ."[8] At the time of the "fratricidal" Civil War, after Lincoln refused to let the "erring sisters depart in peace," he was hailed as "Father Abra'am."[9] But the first president to be assassinated was the last to be assigned such paternity. We have only to try "Father Woodrow" or "Father Franklin" for sound to realize the inappropriateness of the concept in the twentieth century.

A major reason for the demise of this imagery in the political arena was growing concern about actual parents and children. Very briefly, that concern seems to have arisen almost immediately after the American Revolution. At first it manifested itself in discussions about what sort of education would be most proper for the new "infant" Republic and in attempts to produce a suitable literature for the little republicans who

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would all be becoming "citizens." By 1830, Americans were more than concerned about their children; they were downright worried. At the same time, in the eighteen-thirties, Americans began to worry about adults in a novel way, but not, emphatically, as adults. Rather, the concern was with men and women, with sex roles. This was, of course, the period of the beginnings of the women's rights movement—and of very widespread opposition to it. Much more energy, however, went into concern with parental roles, especially as to their proper sexual differentiation. American Victorians placed the woman on a pedestal, but that pillar was located specifically at the hearthside of the home. The wife was now more the mother, the husband the father. When he was not busy at the counting house he, too, belonged at home. The famous temperance poem caught the spirit exactly: "Father, dear father, come home with me now. . . ."

What this meant was that the antebellum process of depoliticization of the family was *pari passu* the development of an ideology of domesticity. Antebellum America was not concerned with any bimodality between childhood and maturity, but rather with proper roles within the home. As is well known, this ideology was at least in some measure a response to rapidly changing social and economic conditions. In a commercializing, urbanizing, expanding economy, more and more men and women were working, traveling, and buying and selling away from home, and it is scarcely any wonder that the family home came to be a focus of concern.

This concern for domesticity interacted in a novel way with political discourse. A defensive South attempted to transform its commercial slavery into a domestic institution—domestic in the sense of being "peculiar" to the South, but domestic also in the sense that the plantation was increasingly thought of as a family. The master became a patriarch and his slaves, children. Northern critics cried out that the master was frequently the literal father of his slaves and that slavery was a brothel house—an anti-home. Southerners retorted that it was Northern wage slavery which threatened the family and that Northern women were "unsexing" themselves by leaving their hearthsides in order to attend the "promiscuous assemblies" so characteristic of Northern "fanaticism."

At the same time, the egalitarianism of the Jacksonian era was helping to lay the groundwork for later changes in the way in which domestic roles would be conceived. Partly, the homogenizing of ranks and stations in life tended to reduce the citizenry to an undifferentiated mass. The widening of the suffrage, which was accomplished easily and noiselessly compared to the analogous process in Europe, produced a novel situation.

It is perhaps more profitable to think of the suffrage as being limited along new lines. If almost all white adult males could vote (as they could by the time of the Civil War) the suffrage was, in effect, no longer defined by property but by three other criteria—race, age, and sex.[10] In one sense, then, political democracy made the distinction between the political adult and the political child *more* important. At the same time, however, the sexual criterion effectively countered this tendency by drawing together members of each sex. Tocqueville was describing this process when he wrote that, as the laws and manners become more egalitarian in America, "the realm of father and son become more intimate and more affectionate; rules and authority are less talked of; confidence and tenderness are often-times increased."[11] It was no accident that Tocqueville picked the male "realm of father and son."

The Jacksonian concern with proper sex roles was so strong as virtually to

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preclude, in and of itself, any interest in a concept of adulthood as such. A pronounced emphasis on the distinction between women and men tended to override any perception of commonality; manhood and womanhood perceptually overrode adulthood. What room was there for adulthood when a physician could write that after menopause a woman was "degraded to the level of a being who has no further duty to perform in this world"?[12] What mattered was the distinction between the male and the female parent. "The father may instruct," declared another writer, "but the mother instils; the father may command our reason, but the mother compels our instinct; the father may finish, but the mother must begin. The empire of the father is over the head; of the mother, over the heart."[13]

That such remarks were part of a very basic social change is suggested by the fact that in the mid nineteenth century there seems to have been less premarital sexual intercourse in America than at any time before or since. Even sex was only for parents (not to mention only for men and women). The modern "sexual revolution" (including more premarital pregnancies) seems to have begun in the United States in the very early twentieth century.[14] This was also the approximate time of two other demographic developments which may well have helped engender the development of an explicitly articulated concept of adulthood. Throughout the nineteenth century the fertility rate in the United States fell quite markedly. At the same time, particularly at the end of the century, the mortality rate declined. The combined result was that grown persons no longer spent such a large portion of their lives in the parental role; the "empty nest" syndrome is a relatively recent one.[15] What was to be done with this new period in the life cycle?

This development was accompanied, not by the discovery of adulthood, but by the discovery of adolescence and of old age. Both the term and the concept of "adolescence" were first widely popularized by G. Stanley Hall's book of that title in 1904, though the term itself is much older—considerably older, indeed, than the term "adult." There had been discussion of "youth," as distinct from "childhood," in the nineteenth century, but Hall's work placed "adolescence" firmly as a distinct phase of life and as a description of inner and outer behavior. It is suggestive that Hall placed considerable emphasis on adolescence as that period of life when religious conversion was most likely to be expected; in doing so he was drawing upon an emphasis which in the nineteenth century had accompanied the Arminianization of American Protestantism.

It is less well known that Hall later wrote another book entitled—not "Adulthood"—but *Senescence* (1922). In that book, Hall described "adolescence" as lasting until age 25 or 30, "maturity" from 25 or 30 to 40 or 45 (which left ten or, at best, twenty years for adulthood); "senescence," which he lumped with "old age," was, as announced by the subtitle, "The Last Half of Life." The difficulty that the concept of adulthood was having in getting off the ground is suggested by Hall's conclusion in a previous article (1921) that "leaving out of consideration here the initial prepubertal stage and the terminal one of the post-climacteric or old age proper, all the rest of life which lies between these is divided into two parts, adolescence and senescence, that the latter begins where the former ends [at about forty-five years of age], and that all we have thought characteristic of middle life consists of only the phenomena which are connected with the turn of the tide."[16]

Hall's work on adolescence was heavily influenced by post-Darwinian evolutionary biology. Mankind (particularly the much esteemed Teutonic and Anglo-Saxon

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portion thereof) was seen as evolving through stages into higher and higher forms. Hall himself thought individual development recapitulated the development of the species. Evolutionary biology worked to pave the way for various developmental psychologies. It was no accident that Hall was attracted by a far more powerful developmental model then being shaped in Europe; his interest and admiration were evident at the famous psychological conference at Clark University in 1909 at which he hosted Dr. Sigmund Freud.

The general tendency in various schools of psychology in the early twentieth century was to segment the life cycle into increasingly discrete and well defined units. An accompanying tendency was fully as important: the various segments of the life cycle were seen not merely as temporal stages but as *descriptions* of inner life and external behavior. Thus the "oral stage" was not merely a temporal segment of the life cycle but a psychological syndrome. Thus, too, "adolescence" was far more descriptive of a mode of behavior than was "youth" in the nineteenth century. The earlier, less content-laden segmenting of the life cycle in the nineteenth century was best typified by the popular prints showing "the stages of man," usually four or six stages such as childhood, youth, maturity, and old age.

A parallel process occurred in American schools and colleges. It was not merely the slow demise of the one-room schoolhouse which caused increasingly precise age-grading in the schools; it was a growing sense that age differences among young people really mattered. This same sense somewhat later permitted the development of the concept of "mental age" in connection with the I.Q. test. To speak of "the college years" as typifying any sort of behavior would have been difficult in the nineteenth century when those years ran from the early teens to the late twenties. In the nineteenth century, grown-ups attended lyceums; in the twentieth, they undertook "adult education."

Finally (and there is scarcely need to belabor the point) this same first quarter of the twentieth century saw the gradual extension of the suffrage to (mostly white) adult women. The body politic was no longer defined in sexual terms: only race and age remained. Politically, only adulthood mattered. Even within the family a parallel process occurred: by the nineteen-twenties, the Victorian mother and father were becoming good modern *parents*, self-consciously "raising" their children according to certain diffuse notions indirectly derived from Dr. Freud. The new medical specialty of pediatrics was by now respectably established. The twin streams were shortly to be united in one of the most popular books ever written for American adults—*Baby and Child Care* by Dr. Benjamin Spock. Despite the Doctor's emphasis on parenting, there remained in his book strong traces of sex differentiation in the parental roles. But it is also true that the book signaled which way the wind was blowing. Spock has, in the nineteen-seventies, been self-consciously revising his text with an eye to meeting, even eliminating, sex differences in parental duties.

III

Given these developments, the concept of adulthood was bound to flower. What is surprising, perhaps, is that it took until 1975 for a symposium on adulthood to materialize, and that, as of 1968, the *International Encyclopedia of the Social Sciences* has articles on "Aging" and "Adolescence," but none on adulthood. The concept was fully evident in popular magazines in the nineteen-twenties. By 1952, the bellwether magazine of popular taste was offering a quiz, "condensed from *McCall's*," entitled

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"So You Think You're Grown-Up!" "How old," the introduction asks, "do you have to be before you're an adult? By psychological standards you can be grown-up at 20 or a child at 50." After fifteen questions ("1. Would you ever, by choice, spend an evening alone?"), "to see how 'mature' you are, turn to page 91."[17] From this sort of thing it has been no step at all to the spate of selfhood books of the nineteen-sixties and seventies. Since 1930 there have, of course, been interesting changes in the concept: Dale Carnegie could scarcely have written a book entitled *I'm O.K.—You're O.K.*

Americans had discovered in "adulthood" a novel and ambiguous guide to the maze of an unusually fluid, mobile society which offered a dazzling array of career lines. They were no longer told to labor diligently in an appointed worldly calling. As a guide to life they were now enjoined, as one magazine put it, to "Act Your Age."[18] William Gouge would have greeted such an injunction with towering incomprehension.

Always the current emphasis is on growth and change. At the popular level the approach is to provide a smorgasbord of "psychologies." A new magazine entitled *Personal Growth* offers as "some of the areas we cover": "Self-Actualization Techniques"; "Gestalt Therapy"; "Encounter Groups"; "Meditation"; "Bio-Energetic Analysis"; "Hypnotherapy"; "Relaxation Techniques"; "Self-Analysis"; "Transpersonal Psychology"; "Peak Experiences"; "Creativity Training"; "Depth Imagery & Dream Work"; "Primal Therapy"; "Psychoanalysis"; "Biofeedback Training"; "Transactional Analysis"; "Psychosynthesis"; and "Altered States of Consciousness."[19] One wants instantly to reach for the Alka-Selzer. At a slightly more serious level, the *New York Times* offers such articles as (in characteristic voice): "Three Phases of Adulthood: Transitions Termed as Difficult as Adolescence."[20]

What we seem to be involved in now is a synergistic interaction between a newly dynamic concept and a new social reality. Take, for example, the opening paragraph of a recent newspaper article entitled "Transition: How Adults Cope with Change":

> Adults don't stay put the way they used to. Everywhere you look, people are moving around, changing jobs, going back to school, getting divorced. Starting over, in short. At age 30, 40, 50, 60—there's no end to it.[21]

In such remarks we sense not only a description of real events but an endorsement of them. We also sense that without such endorsements the events would not be taking place.

What we are up against here is a very traditional problem in historical causation—the relationship between social and ideological change. We can see the two factors dynamically interacting in the case of legislation concerning children during the early years of the twentieth century. During the nineteenth century, a large proportion of children went to school until age 12 or 13, and then went to work. About 1900, as part of the process of industrialization, new machinery began displacing children in many jobs in agriculture, factories, and commercial establishments. What has been called "the first stringent" child-labor law was passed by Illinois in 1903.[22] Child-labor laws went hand in hand with compulsory-schooling laws which raised the age at which children were allowed to leave school. Increasingly, extended schooling was seen as necessary preparation for a life of work in a highly complex society. At the same time, women were coming to constitute a rapidly growing proportion of the total labor force. In other words, work, or "career," began to lose its linkage with sex just at the

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time when the age of "getting a job" was rising considerably. There was an increasingly solid social base for thinking of the late teens as an age when people of both sexes entered a distinct new phase of their lives, one which would last until it came to an abrupt halt, not so frequently as before by death, but by mandatory retirement. The junior citizens of the young Republic, trained by the schools for their adult careers, would eventually become "senior citizens," drawing retirement benefits with a number that had been assigned them when they first entered the work force. Accompanying these changes was widespread discussion of childhood and adolescence as periods of growth, learning, expanding horizons and capacities. There was much talk about children's play, no longer seen as reprehensible "idle pastimes," but as necessary to an expanding, exploring personality. Schooling and play became preparative for—and the moral equivalent of—work, the "business" of adults.

If one had to plump for any single factor as being of central importance in this process, it might well be the actuality and expectation of rapid social change—not limited to the United States, of course, but probably of longer standing there than in most other countries. Technology, geographical and social mobility, and social pluralism have worked to speed up life so that we not only expect our children to lead different lives from ourselves, but we expect our own lives to change, perhaps drastically, through time. In the more static world of our ancestors it would scarcely have been possible to conceive of time in the way which permitted Henri Bergson to write, at about the turn of the twentieth century, "To exist is to change; to change is to mature; to mature is to create oneself endlessly."[23] We have moved, over the years, from condition to process. In our culture, adulthood as a condition used to be simply assumed; as a process, it now seems to demand explanation.

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The Last Stage: Historical Adulthood and Old Age

"To learn that one is old is a long, complex, and painful experience. Each decade the circle of the Great Fatigue narrows around us, restricting the intensity and endurance of our activities." It was probably no coincidence that G. Stanley Hall, who had developed the concept of "adolescence" in the eighteen-eighties, offered a synthesis of "senescence" as his last creative opus in 1920, when he himself was eighty years old. While his contemporaries focused on the deterioration of old age, or sought the secrets of longevity, Hall emphasized the unique psychological processes connected with aging and their societal significance. Rather than viewing old age as a period of decline and decay, he saw it as a stage of development in which the passions of youth and the efforts of a life career had reached fruition and consolidation: "There is a certain maturity of judgment about men, things, causes and life generally, that nothing in the world but years can bring, a real wisdom that only age can teach."[1]

The interest in the meaning of aging in the early part of the twentieth century had not grown merely from idle curiosity. It was related to questions about the limits of usefulness and efficiency on the job that had arisen with industrialization and to the movement for providing social insurance for the aged. In 1874, psychologist George Beard had already begun to ask questions about the limitations of old age: "What is the average effect of old age on the mental faculties?"; "to what extent is the average responsibility of men impaired by the change that the mental faculties undergo in old age?" Analyzing the record of "human achievements," he considered at what age the "best work of the world" had been done and found that 70 per cent of creative works had been achieved by age 45 and 80 per cent by age 50. Within this range, he identified 30 to 45 as the optimal period of life. Although he was emphatic about the need for setting a retirement age for judges, he did not recommend an automatic retirement age for laborers.[2] Beard's investigation represented the first attempt at a scientific inquiry into the relationship between aging and efficiency, and it set the stage for the concept of the "superannuated man" that was to come.

In the late nineteenth century, American society passed from an acceptance of aging as a natural process to a view of it as a distinct period of life characterized by decline, weakness, and obsolescence. Advanced old age, which had earlier been regarded as a manifestation of the survival of the fittest, was now denigrated as a condition of dependence and deterioration: "We are marked by time's defacing fingers with the ugliness of age."[3] Writers began to identify advancing years with physical decline and mental deterioration. Beginning in the eighteen-sixties, the popular magazines shifted their emphasis from attaining longevity to discussing the medical

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symptoms of senescence. In 1910, I. L. Nascher, a New York physician, became the first to formulate the biological characteristics and medical needs of senescence as a life-cycle process. He drew on the work of his predecessors to conceptualize its medical treatment and thus laid the foundation for geriatrics as a medical discipline.[4]

In the beginning of the twentieth century, public concern for, and interest in, old age converged from various directions. In addition to physicians, psychologists, and popular writers, efficiency experts and social reformers were especially instrumental in attracting public attention to old age as a social problem. A variety of medical and psychological studies by industrial-efficiency experts focused on the physical and mental limitations of old age. At the same time, social reformers began to expose the poverty and dependency suffered by many old people, as part of a general investigation of "how the other half lives," and to agitate for social security and social insurance.

Government recognition of old age evolved more gradually and began on the state level; by 1920, only ten states had instituted some form of old-age legislation; all programs were limited in scope, and most of them were declared unconstitutional by the Supreme Court. Nevertheless, agitation for old-age security continued and finally culminated in the Social Security Act of 1935. It was not until the nineteen-forties, however, that gerontology was recognized as a new medical field and even more recently that social scientists identified old age as constituting a new and pressing problem for mankind. Social definitions of age limits and public treatment through institutional reform, retirement legislation, and welfare measures represent the most recent societal recognition of this stage of life.[5]

How does one examine an age group and a stage of life when their experiences, social definitions, and public treatment change over time? How does one conceptualize "old age" and "aging" as social and cultural phenomena in relation to historical change? How does one correlate individual time and historical time—that is, the synchronization of individual development with historical change? Social scientists and popular writers have long been accustomed to examining categories such as class, ethnicity, and race; more recently, they have begun to use gender as a category as well. But they have been less systematic in their use of age because maintaining a distinction between an "age group" and "aging" as a process is difficult. Adolescents, for example, are an "age group." At the same time, adolescence, however bounded by sociopsychological conditions, is a process, subject to change and redefinition. Age and aging are related to biological phenomena, but the meanings of age and aging are socially and culturally determined. "Social age" is a relative concept and varies in different cultural contexts. In trying to understand the societal conditions affecting adulthood and old age, it is important to realize that the definitions of aging, as well as the social conditions and functions of every age group, have not only changed significantly over time but have also varied among cultures.

Gerontological literature approaches the problems of aging from several directions: the developmental perspective has focused on biological and psychological changes connected with aging; the institutional approach has stressed socioeconomic status and the roles of old people; and the cultural perspective has concentrated on stereotypes and perceptions of the elderly. Some of these approaches have also tended to confuse the "aged" as an age group or as a social class with aging as a process.[6] Little effort has been made to integrate these views or interpret them as interrelated processes over the life course.

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The emergence of "old age" as a social, cultural, and biological phenomenon can best be understood in the context of other stages of life. The social conditions of children and adolescents in a given society are related to the way in which adulthood is perceived in that society, and, conversely, the role and position of adults and the aged are related to the treatment of children and youths. The formidable task of investigating the synchronization of individual development with social change requires an approach that would take into account the entire life course and differing historical conditions, rather than simply concentrating on a specific age group.

The "discovery" of a new stage of life is itself a complex process. First, individuals become aware of the specific characteristics of a given stage of life as a distinct condition. This discovery is then passed on to society in popularized versions. If it appears to be associated with a major social problem, it attracts the attention of agencies of welfare and social control. Finally it is institutionalized: legislation is passed and agencies are created to deal with its special needs and problems.

The articulation of new stages of life and their recognition in American society in the past generally came as a response to external pressures and to a fear of the disorganization that, it was thought, might otherwise ensue from societal neglect of some particular age group. In the nineteenth century, this apprehension was particularly dramatic as it was manifested in attitudes toward treatment of children and adolescents, where undisciplined and unsocialized young people were compared to the *proletaire* of Paris and were regarded as the "dangerous classes." At that time, the elderly received comparatively little attention, because they were not considered dangerous to the social order. The physical weaknesses and inevitable end associated with old age did not present an imminent danger to society and did not, therefore, evoke the anxiety produced by problems among the youth. The argument against the neglect of children was that they would grow up into dangerous, socially destructive adults. No parallel argument applied to the aged. In a society which had lost its fear of the afterlife, and in which awareness of and contact with death were not integrated into everyday life (for death no longer held a mythical power over the living), there was no reason to fear any potentiality of revenge from among the old people. Consequently, the first demonstration of organized political power on the part of the aged was not manifested until the Townshend movement in the nineteen-thirties, which succeeded in pressing the federal government into instituting social security.

As early as the late eighteenth century, however, American society had gradually begun at least to acknowledge the existence of various stages in life and to develop a corresponding series of institutions to deal with them. As we have seen, it "discovered" childhood in the first half of the nineteenth century and "invented" adolescence toward the end of it, both emerging into public consciousness as a result of social crises associated with those age groups in a manner similar to the emergence of old age later on.[7] However, despite the growing awareness of childhood, adolescence, and youth as pre-adult stages, no clear boundaries for adulthood in America emerged until much later, when interest in the "middle years" as a distinct segment of adult life arose out of the need to differentiate the social and psychological problems of "middle" from "old" age. The psychological, social, and cultural conditions of the past half century have since contributed to the sharpening of the boundaries between those two stages. Several social scientists have tried to distinguish additional categories in adult life, such as the "young old" and the "old old," but it is too early to tell whether these will develop into useful concepts.[8]

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It is clear, however, that in American society "old age" is now recognized as a specific period of adulthood. Unlike the other stages, it has a formal beginning—age 65—at least so far as an individual's working life is concerned, and it is institutionalized by a rite of passage—retirement and the commencement of social security. Since so much of adult life in American society is contingent on work, especially for men, retirement also often involves migration and changes in living arrangements.

Popular social-science literature has recently devoted a great deal of attention to the social and economic plight of older people and to their isolation as a result of urbanization and industrialization. The major developments that have been cited as explanations for these problems are: demographic changes arising from increases in life expectancy in childhood and early adulthood and, to some degree, from prolongation of life in old age due to advances in medical technology; the increasing proportion of older people in the population resulting from the decline in fertility and increase in life expectancy; the decrease in productive roles that older people are allowed to play as the result of the shift from a rural to an industrial economy; the technological revolution; and, finally, the denigration of old age, which is thought to be explained by the "cult of youth." Without denying the importance of these explanations, problems of old age and aging in American society can be more fully understood by examining them in terms of more fundamental historical discontinuities in the life course. These changes are rooted in three interrelated areas, all of which are essential for the achievement of what Erikson calls "integrity": location in historical time, work life and productivity, and family orientation and functions. This essay will discuss briefly the historical developments in each of these aspects of adult life and their effects on the conditions of old people in American society.

Location in Historical Time

Because age boundaries and criteria for adulthood vary significantly across cultures, classes, and historical periods, the meaning of adulthood cannot be defined merely in terms of a specific age span, and unlike adolescence, which represents a person's passage through puberty, it cannot be clearly defined in biological terms. Even within the same age group, the social meaning of adulthood and the functions associated with it vary among cultures and according to psychological conditions. For these reasons, it is difficult to determine to what extent and in what ways individuals have in the past perceived their entry into adulthood and transitions to old age under varying historical conditions.

How did individuals pass through their life course?[9] How did they time their transitions from one role to another, and how was this timing related to their family experience and to external social conditions? In what ways did such experiences vary within the same age cohorts?[10] How did these processes vary over time, and how did they differ from the same processes now? Answers to questions such as these would help explain the position of individuals and age groups at different times in the past and would illuminate their interaction with contemporary conditions.

Reuben Hill has noted that in periods of rapid social change, each cohort "encounters at marriage a unique set of historical constraints and incentives which influence the timing of its crucial life decisions, making for marked generational dissimilarities in life-cycle career patterns."[11] This means that the social experience of each cohort is influenced not only by the external conditions of its own time but also

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by the cumulative experience of its earlier stages in life. Consequently, the position of the elderly in modern American society has been shaped in part by social and economic conditions which have combined to isolate them from family and productive life when they enter their sixties, and in part by their previous cumulative experience along their life course. For example, individuals who reached the age of sixty in the eighteen-nineties and were still working had commenced work at an earlier age and would continue to work until the end of life, or so long as they were able. Having grown up in periods when transitions in the life course were less rigidly marked, they would have found imposed retirement at a set age far more traumatic than a cohort which had come of age in the early twentieth century, when both entry into and exit from the labor force were more clearly timed according to age. The response of an older cohort to changing social and economic conditions is therefore significantly different from that of a younger one, because it is based on very different individual and social experiences. In trying to understand those differences, it is necessary to view both the contemporary social milieu in which they reach that age and the cumulative experience of that cohort over its entire life.

In preindustrial society, demographic, social, and cultural factors combined to produce only a minimal differentiation in the stages of life. Childhood and adolescence were not regarded as distinct stages; children were considered miniature adults, gradually assuming adult roles in their early teens and entering adult life without a moratorium in their youth. Adulthood flowed into old age without institutionalized disruptions. The two major adult roles—parenthood and work—generally stretched over an entire lifetime without an "empty nest" and compulsory retirement. In various rural societies, the insistence of older people on self-sufficiency and their continued control over family estates delayed the assumption of economic independence by their children and afforded aging parents a bargaining position for support in old age.

The integration of economic activities with family life also provided continuity in the usefulness of older people, particularly for widows, even when their capacity to work was waning. One should not, however, idealize the condition of the elderly in preindustrial society. John Demos has pointed out that publicly they were venerated, but they were insecure in private life. Some of the symptoms of insecurity and uncertainty are reflected, for example, in contemporary wills where support for a widowed mother was made a condition for the inheritance of family estates. Nevertheless, old people experienced economic and social segregation far less frequently than they do today, and they retained their familial and economic positions until the end of their lives. If they became "dependent" because of illness or poverty, they were supported by their children or other kin or were placed by the town authorities in the households of neighbors, or even strangers, but not in institutions.[12]

Under the impact of industrialization and the demographic changes of the nineteenth century, however, a gradual differentiation in age groups and specialization in functions began to emerge, although it was by no means complete by the end of that century. Discontinuities in the individual life course were still not marked, and age groups were still not completely segregated in accordance with their functions. While today parents generally complete their child-rearing functions with one third of their lives still ahead, nineteenth-century parenthood was a lifelong career: the combination of relatively late marriage, short life expectancy, and high fertility rarely allowed for an "empty nest" stage. In addition, marriage was fre-

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quently broken by death of a spouse before the end of the child-rearing period.[13] Because they married earlier and lived longer than men, this pattern was more common among women.

Widowed or not, however, the extension of motherhood over most of the life course continued to engage women in active familial roles into old age. Peter Uhlenberg has shown that what is today considered a normal life-course sequence for women—marriage, motherhood, survival with husband through parenthood, the launching of children, and widowhood—was experienced by only 44 per cent of females born in 1870 who survived beyond age 15. The remaining 56 per cent never achieved the "normal" life-course pattern, either because they died young, or never married, or were childless, or because their marriage was broken by the death of their husbands or by divorce.[14] As one moves into the twentieth century, the percentage of women conforming to this "normal" life-course pattern gradually increased.

Under conditions in which the life course was compressed into a shorter and more homogeneous span, major transitions into adulthood, such as leaving school, entering the labor force, leaving home, marrying, and having children were not so clearly structured as they are today. Except for marriage and the formation of households, they did not even necessarily represent moves toward independent adulthood. The order in which they occurred varied significantly, rather than following a customary sequence. Children and youth shuttled back and forth from school to work, depending on the seasons, the availability of jobs, and the economic needs of the family. Departure from school did not mark a definite turning point, nor, at a time when child labor was an established practice, did entry into the labor force necessarily imply the onset of adulthood: leaving home, a phenomenon typically associated with the commencement of adulthood today, had no such significance in the preindustrial and early industrial period.[15] Some children left home in their early teens to become servants or apprentices, others continued to live on the family farm and to postpone marriage and the assumption of adult responsibilities until much later. In nineteenth-century urban working-class families, sons and daughters often continued to live at home until well into their twenties and to contribute their income to the common family budget. Irish immigrant families in Massachusetts, for example, customarily kept the youngest son at home through his late twenties. Among other immigrant industrial workers in New England, the last remaining daughter was expected to remain single and continue living in the family household to care for her parents so long as they lived. When unmarried children did leave home, they often spent transitional periods as boarders or lodgers with the families of strangers, rather than setting up their own households.[16]

Even marriage, which is usually regarded as an "adult" act in twentieth-century society, much less often marked the transition to autonomous adult life in the nineteenth. In urban communities, where immigration produced both scarcity in housing and unemployment, it was difficult to set up an independent household, and newlyweds often brought their spouses to live in their parents' households for a transitional period. Even when they lived separately, it was usually nearby, often in the same neighborhood. In the early years of marriage and especially after the birth of the first child, young couples were willing to sacrifice privacy for the luxury of parental assistance and support, a willingness that increased during periods of economic crisis and depression or during family crises brought on by unemployment, sickness, or death.[17]

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The absence of dramatic transitions to adult life allowed a more intensive interaction among different age groups within the family and the community, thus providing a greater sense of continuity and interdependence among people at various stages in the life course. But, as greater differentiation in stages of life began to develop and as social and economic functions became more closely related to age, a greater segregation between age groups emerged. Child-labor laws and compulsory education to age 14 (or 16) tended to segregate the young, increasingly so from around the middle of the nineteenth century. Similarly, the gradual ousting of older people from the labor force toward the end of the nineteenth century and the decline in their parental functions in the later years of life tended to disengage them from their offspring and from active social functions. One of the most important changes affecting the elderly, therefore, was the increasing association of functions with age and formation of segregated, age-based peer groups. This segregation by age occurred first among the middle class, and was only later extended into the rest of society.

Work Life and Productivity

The growing specialization of work and the demand for industrial efficiency under the impact of advanced industrial development resulted in the imposition of age-related standards of usefulness and productivity in American society beginning around the turn of the century, but retirement at a specific age was an invention of the twentieth; it represents the most drastic development in the emergence of old age as a separate stage of life. The almost universal practice of arbitrary retirement has imposed a uniformity which is related to age rather than to the nature of the tasks involved. By contrast, during the second half of the nineteenth century and into the early twentieth, when there was no institutionalized retirement, how old one was often depended on the kind of job one held as well as on social class. Members of the working class experienced signs of advancing age earlier than white-collar workers or professionals. Industrial workers in physically demanding jobs were "old" in their middle years, while others continued to work until the end of their lives. As the system of production advanced technologically and intensified in pace, performance on the job became even more closely related to age.

Prior to the institutionalization of formal retirement, work in the nineteenth and in the early twentieth century extended over one's entire life. Although careers were frequently punctuated by long periods of unemployment, they were terminated only by severe illness or death. The nature of the employment varied, however, as men reached their forties: "The great majority of the men who do the world's work are comparatively young men," concluded a 1900-census analyst. Nearly half the total number of gainfully employed males in 1900 were between the ages of 16 and 34; the proportion increased to two thirds when the category was expended to 44.[18] Yet 90 per cent of males between the ages of 55 and 65 were still employed, a percentage not significantly different from that of employed men in their thirties and forties. By comparison, only 68.4 per cent of men older than 65 were still working. To understand these figures, it must be emphasized that the kind of job that was held was closely related to age: industrial work commanded the years between 20 and 40. Workers younger than 20 or older than 45 were primarily employed in agriculture or in unskilled service jobs. In addition, while work careers have generally been viewed as linear progressions, either upward, or downward, or continuing on a relatively

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even keel, in reality late-nineteenth-century work careers meandered about. Permanence on a job was rare among the majority of the working population; what we would regard today as a "disorderly" career was then often the norm.

Industrial workers experienced their first "retirement" or career change in their middle or late forties, as years of exhausting industrial labor started at an early age began to render them "useless." (Mule spinners—skilled textile operators—for example, walked around thirty-five miles a day on the job.) Consequently, in the last third of their lives, even highly skilled workers were forced into temporary jobs in unskilled occupations, after having spent the better part of their lives in efforts to move up the ladder. "I started out as a sweeper, I worked my way up to overseer, and here I am a sweeper again," said a 65-year-old former textile worker who found himself dependent on occasional jobs in the last years of his life. "The age deadline is creeping down on these men. I'd say that by forty-five, they are through," was a recurrent verdict of superintendents of major factories in "Middletown" in the nineteen-twenties.[19] One of the advocates of old-age compensation described this spreading phenomenon: "It is notorious that the insatiable factory wears out its workers with great rapidity. As it scraps its machinery, so it scraps human beings. . . . Middle age is old age, and the worn-out worker, if he has no children and if he has no savings, becomes an item in the aggregate of the unemployed."[20]

Contemplating the "industrial scrap heap" in one's middle years became one of the nightmares of industrial society. The Amoskeag Corporation, the world's largest textile manufacturer, began to lay off, rather than reassign, its slow workers beginning about 1920. When a middle-aged woman weaver protested her dismissal, after twenty years of work, before the union's grievance committee, the management upheld the overseer's rule: "In deciding who we should keep and who we should lay off, we follow the simple rule of the 'survival of the fittest.' " This same overseer, who had risen from bobbin boy to that much coveted position, himself ended up as a sweeper.[21]

The major transition in the work life was, therefore, not necessarily the complete termination of the individual's work career, but often the move to a temporary, semi-skilled or unskilled job while still in his forties or early fifties. As workers grew older, they tried to hold on to their jobs by trading their skills and expertise for physical assistance from young apprentices, who were often relatives as well. It was not uncommon for young workers in the shop to share the work load of "Old Spence" or "Old Joe" in order to keep him going. By the nineteen-twenties, however, the efficiency movement had won out in most industrial concerns, and tasks were assigned according to age.

The labor unions tried to solve the problems of the aging worker by establishing the principle of seniority, a principle that caused considerable conflict with corporations. Because management saw seniority as being inconsistent with the requirements of efficiency and individual initiative, the unions were unsuccessful, at least in the beginning. Thus, insecurity in old age, particularly among the working classes, came to culminate a career that had already included exhausting labor, unemployment, especially in middle age, and insecurity at every age through the constant threat of frequent industrial accidents and other illnesses. The 1900 census reported 28.3 per cent of all workers in manufacturing and mercantile occupations as having been unemployed for from three to six months of that year. A study of the Massachusetts Commission on Old Age Pensions in 1909 found that approximately 24 per cent of the

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population of that state who were 65 years or older were dependent on charity. Robert Hunter, an early social investigator of poverty in the United States, following E. S. Rowntree's studies of poverty in England, showed in 1904 that working-class families generally slipped in and out of poverty throughout life, but were most likely to fall below the margin at two particular stages: as young parents, burdened with numerous children too young to work, and in their middle or later years, after the children had left home and the parents remained without a steady income.[22]

The insecurities and vagaries of old age, intensified by unstable employment and recurrent poverty at earlier ages, made collective economic strategies imperative for the family unit. The functions of old people in the late nineteenth and early twentieth century can be better understood within the framework of the family economy. Work careers and family organization were clearly intertwined, and reciprocity among family members along the life course was essential for survival in old age. Exchanges across generations were critical for the survival of old people, particularly in the working class, as an intensifying industrial system was gradually ousting them from their jobs without providing public-welfare mechanisms for their support.[23]

Family Orientation and Functions

The family organization and ideology of nineteenth-century society and, in particular, the strong interaction of family and kin enabled older people to maintain active familial roles as they gradually withdrew from the labor force, even if they were not living with their adult children. Research has clearly established that families in the past tended to reside in nuclear units and that the co-residence of three generations was even then extremely rare. This rejection of the myth of the extended multi-generational family should not be misconstrued, however, as meaning that old people lived in isolation. Solitary residence was most uncommon throughout the nineteenth century in all age groups. Except for Western frontier communities and mining towns, only about 3 to 5 per cent of the population were found to be living alone.[24] Old people strove to remain in charge of their own households. Rather than moving in with their adult children or other kin, they took relatives or strangers into their own homes. In 1850, only about one in ten persons over the age of 65 was not the head of a household or the spouse of a head. By 1880, the proportion had risen to about one in eight. The trend accelerated in the United States into the twentieth century: in 1953, the ratio was about one in six, and, in the late nineteen-sixties, it approached one in four,[25] reflecting the present large percentage of old people who live alone or share accommodations with non-relatives.

The supposed isolation of the nuclear family in urban, industrial society has frequently been cited as the explanation for the present plight of the elderly. Talcott Parsons has provided us with the classic formulation of this view: "In the first phase, the most important single distinctive feature of our family structure is the isolation of the individual conjugal family. . . ." Mathilda Riley and her associates have pointed out that the trend has not been so much toward the isolation of the nuclear family as toward a subdivision into two nuclear families: the young couple with their dependent children and the middle-aged or aged parents. Parsons's generalization has been further revised by a number of sociologists who have documented the existence of elaborate patterns of assistance and social interaction among members of the nuclear family and other kin in contemporary society.[26]

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The relationships of mutual support and exchange of services that old people had earlier entered into with their kin carried greater significance before the introduction of social security and other forms of public old-age assistance. Except in cases of infirmity or extreme poverty, they engaged in reciprocal support relationships with their kin which simultaneously allowed them to maintain their autonomy. Close contact and mutual exchanges among parents, their adult children, and other kin persisted throughout the nineteenth century and survived to a large degree in the lives of the working-class families into the twentieth. In the later years of life, parents expected their grown children to support them in exchange for a variety of services which they themselves had rendered earlier in life. Such exchanges among parents, their children, and other relatives were based on calculated needs and expectations, particularly insofar as parents relied on future support from their sons and daughters as a source of social insurance. Societal values and norms governing children's obligations for parental aid provided an ideological reinforcement for these reciprocal relationships.[27]

Migration did not contribute to the isolation of old people to the extent that was previously assumed: the argument that geographic mobility during the nineteenth century tended to separate grown children from their parents and from available kin is gradually being disproved. When people moved, they tended to migrate into areas where other relatives had already settled, and after sons and daughters had established themselves, they often sent for their parents.[28] Even if migration did separate parents from their children, or brothers from sisters, surrogate familial arrangements were developed by taking strangers into the household. About one third of the men and women in their twenties and thirties in nineteenth-century American urban communities boarded with other families, suggesting the pervasiveness of these surrogate relationships. For young men and women in a transitional stage between their departure from their parents' homes and the establishment of their own families, boarding offered familial settings without parental pressures. For older people, particularly for widows, it provided the extra income needed to maintain their own residence and it also helped to stave off loneliness after the children had left home. These arrangements helped balance and distribute resources, and they often fulfilled the function of what Irene Taeuber calls "the social equalization of the family."[29]

The separation of the work place from the home wrought by the industrial revolution was by no means complete by the end of the nineteenth century. Among the urban working classes as well as the rural populations, work and family roles continued to be mutually reinforcing. For these groups, work entailed a contribution to the collective effort of the family unit. This meant that family members functioned as interchangeable components of a larger work unit. For example, the work of wives in the textile industry helped stabilize the family's income while husbands risked taking higher paying, but less permanent, jobs. During slack periods, the men who were laid off took care of the house while their wives continued to work: housework and child care were not regarded as demeaning; they were valued as important contributions to the family's resources. During periods of economic constraint, families thus balanced their resources through the allocation of tasks and responsibilities among their members. In this setting, old people could also continue to perform valuable services. After they were too old to work, they took care of the children of working mothers, helped with the housekeeping, and, if necessary, shared housing space with younger family members in exchange for economic support.[30]

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This integration of work with family life in the nineteenth century should not be construed as an ideal situation from a lost past. The system often placed considerable constraint on individual careers and generated tension and conflict between aging parents and their children. Nevertheless, in the absence of institutional buttresses, instrumental relationships were a pervasive and realistic response to the pressures that economic exigencies imposed on individuals and families. They prevented familial fragmentation and segregation by providing a basis for interaction among individuals in different age groups and at different stages in life by exchanging services, even as they were pursuing individual careers. Such interdependence also exposed children and youth to greater responsibility toward older people and to a fuller view of life and a broader range of experience than is common among them today.

The major changes that have led to the isolation of older people in society today were rooted not so much in changes in family structure or residential arrangements, as has generally been argued, as in the transformation and redefinition of family functions. Changes in functions and values—especially the erosion of the instrumental view of family relationships—and the resulting shift to sentimentality and intimacy as the major cohesive forces in the family have led to the weakening of the role and function of extended-family members. Affective relationships have gradually replaced instrumental relationships in middle-class families in particular.

This shift first occurred in the middle class, around the mid-nineteenth century, but it soon affected the working class and its various ethnic groups, as growing conformity introduced middle-class values into working-class lives. Since then, the emphasis on domesticity and child rearing as the major preoccupations of the middle-class family—and especially on the role of women as custodians of domestic intimacy—has tended to insulate middle-class urban families from the influence and participation of aging parents and other relatives.[31] From the eighteen-thirties on, middle-class urban families became avid consumers of popular child-rearing and advice-to-parents literature, not because older relatives were not present to offer such advice, but because guidance based on personal experience and tradition was gradually rejected in favor of "packaged" information. This transition added to the loss of power and influence of the old people in the family.

The ideology of domesticity that emerged during the first half of the nineteenth century also enshrined privacy as a major value in family life. The home was glorified as a retreat from the world and, at the same time, as a specialized child-nurturing center. Philippe Ariès succinctly summarized these changes for Western European society: "The modern family . . . cuts itself off from the world and opposes to society the isolated groups of parents and children. All the energy of the group is expended in helping the children to rise in the world, individually and without any collective ambition: The children rather than the family."[32]

Through a process of differentiation, the traditional family surrendered many of the functions previously concentrated within it to other social institutions. The retreat and growing privatism of the modern middle-class family drew sharper boundaries between family and community and intensified the segregation of different age groups within the family, leading to the elimination of the older people from viable family roles. The transfer of social-welfare functions, once concentrated in the family, to institutions in the larger society further contributed to the segregation of older people. The care of the dependent, the sick, the delinquent, and the aging, which had been considered part of the family's obligation in the preindustrial period,

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was gradually transferred to specialized institutions such as asylums and reformatories. The family ceased to be the only available source of support for its dependent members, and the community ceased to rely on the family as the major agency of welfare and social control.[33] In the nineteenth century, some childless old people, especially widows, were already expecting to end up in institutions in their later life. Mrs. Kelleham, for example, a widow in Westcote, New York, in the eighteen-fifties, had had ten children, several of whom had died in childhood, and "in those who remain the poor woman seems to take little comfort." The woman for whom she worked as a domestic servant reported in her diary: "She says, the mother's joy has never measured with the mother's care. She will not be a burden to her children. She will work while she can work, and when she can no longer she will go to the old ladies' asylum near New York."[34]

But these early institutions and asylums—although they were to become more specialized in the second half of the nineteenth century—segregated people because of poverty, not because of age. "Poor farms," houses of refuge, and mental hospitals were not differentiated by the age of their inmates. The old were simply treated as a variety of dependent poor. The first to be institutionalized by age (during the second half of the nineteenth century) were children, a reflection of the recognition of childhood as a life stage, but special institutions for the elderly based on age rather than on destitution did not appear until later.[35] They began toward the end of the nineteenth century, with the segregation of the infirm, the destitute, the mentally ill, and the retarded from the "respectable" old who needed help only because of their age. At that time, the intent was not so much to segregate age groups as to separate "deserving" dependents from paupers, and it involved the institutionalization only of those unable to take care of themselves and to obtain assistance from their relatives. Many homes for the aged in the second half of the nineteenth century were depicted by reformers in terms similar to the description of the "death camps" which social investigators find in nursing homes today. One inspector of a state institution in Pennsylvania reported in 1920:

> There was no genuine homelike spirit. Most of the inmates looked sullen and wore depressed and downcast mien. Practically all were eager to get out of the place. . . . This feeling of depression is augmented by the fact that in no homes is an attempt made to segregate the old people—who have been compelled to go to the almshouse through no fault of their own—from the feeble-minded, and in some cases even the partially insane. In many places they are compelled to eat at the same table and sleep in the same dormitories with the latter groups.[36]

This practice of institutionalizing the old people of the lower classes was subsequently extended to the "warehousing" of old people from the middle and upper classes as well. By the end of the nineteenth century, there were some institutions for middle- and upper-class people that were more respectable and inhabitable replicas of the asylums for the aged poor. The stigma attached to institutionalization persisted, however, as a carry-over from the earlier institutions even with respect to these middle-class "retirement homes."[37]

The difficulties for the aged in modern American society have been compounded by contradictions inherent in the welfare system. The process of differentiation by which institutions in society assumed functions of social welfare and old-age support previously held by the family has never been fully rationalized in the United States.

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Even in Great Britain, where the public-welfare system is broader, old people have generally tended to rely on familial support along with their public assistance. In the United States, the level of public support for the aged under the social-security system has been so minimal that it only provides basic subsistence. Old people have to fall back on their own resources or to rely on their families for assistance, for services, and particularly for sociability. At the same time, however, the state has not provided the kind of support that would enable families to carry out these obligations. The American public-welfare system has been designed to support individuals rather than families. As was the case with the nineteenth-century poor laws, it tends to disrupt families in need of assistance rather than to support the family as a unit.[38] Nor has the welfare system provided substitutes for the sociability and social integration that kinship ties offered to old people in the past.

In trying to understand the problems of old age in modern American society, it is important to remember that, while the poor are most vulnerable, some of these problems are no less persistent among the middle class. The growing privatism of the modern middle-class family has tended to diminish the kin network as a viable framework for economic and social interaction. Geographic segregation has been compounded by suburbanization, which has drawn young and middle-aged couples into the suburbs and led the elderly into retirement communities or left them behind in the central city. These changes have been accompanied by the development of what Erving Goffman has called the "spoiled identity" or what others have referred to as the "mystique of the aged." The characterization of the aged as "useless," "inefficient," "unattractive," "temperamental," and "senile" accompanied the gradual ousting of people from the labor force at age 65 and barred them from a variety of occupations even earlier.[39] Such negative stereotypes had already begun to appear in popular literature in the United States during the later part of the nineteenth century. Their emergence should not be misconstrued as causing an immediate decline in the status of older people, but it did reflect the beginnings of an increasing tendency to denigrate the aged in society.

Some people have attributed the emergence of a negative image of old age to a "cult of youth" in American society, but while there is undeniably a connection, one cannot be construed as an explanation of the other. The glorification of youth and the denigration of old age are both aspects of far more complicated processes. They are results of the growing segregation of different stages of life—and of their corresponding age groups—in modern American society. The socioeconomic changes of the past century have gradually led to a segregation of work from other aspects of life and to a shift from the predominance of familial values to an emphasis on individualism and privacy. These changes have affected each stage of life: they have resulted in the segmentation of the life course into more formal stages, in more uniform and rigid transitions from one stage to the next, and in the separation of the various age groups from one another. The problems of older people in American society are in some respects unique to this age group, but in others they reflect in its most acute form problems experienced by other age groups and other stages of life as well. They illustrate the personal and social discontinuities that Erik Erikson sees as being major problems in modern American society:

> As we come to the last stage [old age], we become aware of the fact that our civilization really does not harbor a concept of the whole of life. . . . Any span of the cycle lived without vigorous meaning, at the beginning, in the middle, or at the end,

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endangers the sense of life and the meaning of death in all those whose life stages are intertwined.[40]

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[1]G. Stanley Hall, *Senescence: The Last Half of Life* (New York, 1922), p. 366.

[2]George Beard, *Legal Responsibility in Old Age, Based on Researches into the Relationship of Age to Work* (New York, 1874).

[3]"Apology from Age to Youth," *Living Age*, CXCIII (January 14, 1893), p. 170. For a discussion of the popular and medical literature on aging in the late nineteenth century, see W. Andrew Achenbaum, "The Obsolescence of Old Age in America, 1865-1914," *Journal of Social History*, Winter, 1974, pp. 47-62.

[4]I. L. Nascher, *Geriatrics* (Philadelphia, 1914).

[5]Hall, *Senescence*. See also Abraham Epstein, *Facing Old Age: A Study of Old Age Dependency in the United States and Old Age Pensions* (New York, 1922); Paul H. Douglas, *Social Security in the United States* (New York, 1936); Pennsylvania Commission on Old Age Pensions, *Report* (Philadelphia, 1919); Wisconsin Industrial Commission, *Report on Old Age Relief* (Madison, 1915).

[6]Clark Tibbitts, "Origin, Scope and Fields of Social Gerontology," *Handbook of Social Gerontology*, ed. Clark Tibbetts (Chicago, 1960); Michel A. J. Philbert, "The Emergence of Social Gerontology," *Journal of Social Issues*, XXI (October, 1965), pp. 4-13. On theoretical developments in gerontology, see Robert Kastenbaum, "Theories of Human Aging: The Search for a Conceptual Framework," *Journal of Social Issues*, XXI (October, 1955), pp. 13-37; Orville Brim, Jr., and Ronald P. Abeles, "Work and Personality in the Middle Years," *Items*, XXIX: 3 (September, 1975). An exception to this is Mathilda White Riley and Anne Foner, *Aging and Society*, Vol. I: *An Inventory of Research Findings* (New York, 1968), which integrates the various aspects of aging.

[7]The historical discovery of stages of the life cycle was first conceptualized by Philippe Ariès in *Centuries of Childhood: A Social History of Family Life*, trans. Robert Baldick (New York, 1962). John Demos has explored this question in *A Little Commonwealth: Family Life in Colonial Plymouth* (New York, 1971). See also Kenneth Keniston, "Youth as a New Stage of Life," *Journal of Interdisciplinary History*, 2 (Fall, 1971), pp. 329-45; Tamara K. Hareven, "The Discovery of Childhood in American History," paper presented at the meeting of the Organization of American Historians, April, 1969; Robert H. Bremner, John Barnard, Tamara K. Hareven, and Robert Mennell, eds., *Children and Youth in America*, Vols. I-III (Cambridge, Mass., 1970-74), particularly Vol. I; John and Virginia Demos, "Adolescence in Historical Perspective," *Journal of Marriage and the Family*, September, 1969; Joseph Kett, "Growing Up in Rural New England," in Tamara K. Hareven, ed., *Anonymous Americans* (Englewood Cliffs, New Jersey, 1971).

[8]On the middle years, see Bernice L. Neugarten and Nancy Daton, "Sociological Perspectives on the Life Cycle," in Paul B. Baltes and K. Warner Schale, eds., *Life Span Developmental Psychology: Personality and Socialization* (New York, 1973).

[9]The term "life course" is used here, rather than "life cycle," because I shall consider not only the stages of the individual life cycle such as those formulated by Erik Erikson and his followers, but the synchronizations of individual development with the collective experience of the family as it moves through its life course. The "life course" is more encompassing than the individual development and the collective organization of the family as individuals move through life.

[10]The term "cohort," rather than "generation," will be used throughout this paper because it refers to a specific age group with a common experience; "generation" is less precise and can also have connotations of kinship. See Riley and Foner, *Aging and Society*, I, pp. 8-10.

[11]Reuben Hill, *Family Development in Three Generations* (Cambridge, Mass., 1970), p. 322. The most important formulation of the life course as it changes over time is in Glen Elder, Jr., "Historical Changes and the Life Course," forthcoming in the *Journal of Family History*.

[12]See Kett, "Growing up in Rural New England," and John Modell, Frank Furstenberg, and Theodore Hershberg, "Social Change and Transitions to Adulthood in Historical Perspective," *Journal of Family History*, I:1 (September, 1976).

[13]Philip Greven, Jr., *Four Generations of Population, Land and Family in Colonial Andover, Mass.* (Ithaca, 1970); Daniel Scott Smith, "Parental Power and Marriage Patterns: An Analysis of Historical Trends in Hingham, Massachusetts," *Journal of Marriage and the Family*, 35 (August, 1973), pp. 419-29.

[14]Peter Uhlenberg, "Cohort Variations in Family Life Cycle Experiences of U.S. Females," *Journal of Marriage and the Family*, 36 (1974), pp. 284-92, and "Changing Configurations of the Life Course," in

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[19]Robert and Helen Lynd, *Middletown* (New York, 1929), p. 34.

[20]Edward T. Devine, *Misery and Its Causes* (New York, 1907), p. 125.

[21]Amoskeag Co., Grievance Files.

[22]Robert Hunter, *Poverty* (New York, 1904).

[23]Tamara K. Hareven, "Family Time and Industrial Time." For an analysis of economic strategies of the family, see John Modell, "The Fruits of Their Toil," forthcoming in Hareven and Vinovskis, eds., *Demographic Process and Family Organization*.

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ROBERT COLES

Work and Self-Respect

I begin with a prelude to acquaint the reader with the nature of my own work, which, in turn, enables this essay on the way "work" affects the lives of others, and the self-regard those others struggle to get for themselves. I spend every weekday afternoon going to certain homes, talking with grown-up men and women and with their children. I have described the work at length in chapters on "method" in the three volumes of Children of Crisis *so far published. Essentially, I get to know families of various social, cultural, economic, racial, and regional backgrounds, and I try, through weekly or twice weekly visits, to learn from them about how they think and feel—what they believe in, hope for, fear, hate, and envy in others. The conversations are sometimes tape-recorded, sometimes not. I spend years with a limited number of people, and make no claims to statistical significance for my "findings"—that is, the portraits I try to write of particular human beings. All I have is eyes, ears, the clinical training of a child psychiatrist, and, one hopes, whatever good judgment and skill as a writer fate has happened to provide. When I bring the reader quotations from people, those quotations have, of course, been edited, and often, for the purpose of narration, directness, emphasis, pulled together from remarks made over time.*

I am a "fieldworker," I suppose, "out there," one hopes and prays, not to "treat" people, or make caricatures of them, but to convey something of their often exceedingly complex lives. I am sure that in so doing I miss things. I am sure that I fail to ask valuable questions out of various subjective blind-spots or personal inadequacies; and conversely, and for the same reasons, tend to stress certain other matters. I am sure, too, that I risk or succumb to a number of hazards: over-identification with the people I come to know as friends as well as "informants"; a romantic unwillingness to dwell on warts and worse—outright crudities, banalities, meanness; a failure to make personal or ethical judgments about the words I hear, the people I hear speaking those words—and, instead, an almost desperate effort to "appreciate" and "understand" anyone and everyone; and not least, a combative, arrogant anti-intellectualism, in which the observer turns instead on the university, on intellectuals, rather than on those he or she works with everyday. In that last regard, one plaintively, self-protectively summons a "tradition," mentions the writing of George Orwell, James Agee, Simone Weil, Georges Bernanos, and others who have, it can be said, stood between two worlds, and in so doing, have taken chances, hoping thereby to learn a little, but failing occasionally to learn as much as might have been possible, and sometimes, failing utterly to do justice to the lives of people met, visited, and later evoked in articles and books.

LIVES, ANYWAY, RESIST AS WELL AS YIELD to the social or psychological observer's interest in approximation, never mind definition. No one is all that typical or

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representative; the closer the outsider's look, the more inconsistencies or outright contradictions come out in the wash of visits and more visits. A few conversations with a factory worker and he seems like Mr. Average White American Worker. With a few more conversations, the man with the questions, and in the back of his mind (not too far there, either) the various articles or books that await writing, is ready to say good-bye, forget what he's been hearing lately. If a lingering moral impulse (not to mention professional need) questions such an inclination, there is always the justification that comes with the knowledge that appearances deceive, that the whole point of doing psychologically sophisticated "interviews" over an extended stretch of time is to find out who really is what he or she seems to be, and who is one person to all appearances, but quite another when a close look is taken.

Seventy-five years after *The Interpretation of Dreams* was published it is no secret that every person's various surfaces cover up any number of psychological idiosyncrasies (to say the least). It is true, the polls and various "surveys" tell us that there are generalizations that can be made by social scientists and substantiated rather quickly, or decisively refuted, by asking people to answer a series of questions. And sometimes the most outrageously blunt or naive or simple-minded or rude or vague question can strike any number of people as not one of those—but merely something to be answered, an occasion for reflection and a comment or two. Nevertheless, subjects like "work" (what does one *think* of it, what is one's *attitude* toward it, what kind would one do *ideally*, if one had the choice?) or like "adulthood" (how would you characterize it, define it, describe it, talk about it with your wife, or husband, or children?) ought with good reason to strike terror in the minds, if not the hearts, of those of us who make a living, do *our* work, by appealing to other people for words and more words. Presumably we make sense of those words, use them to help substantiate our various theories, along with an occasional ideological disposition, and thereby give others and ourselves the impression of seriousness, reliability, thoughtfulness, good judgment. Ours is the work, we believe, of dedicated and sensible individuals, of *adults*, rather than the product of an erratic or exploitative or hysterical or fatuous mentality—the kind that belongs to a grown-up child, or an immature youth, psychologically speaking, who only pretends to live up to his or her accumulation of years.

But many factory workers, blue-collar workers, so-called working-class men and women are not likely to agree with that judgment of us. They distrust intellectuals, and they have no faith in the value of endless self-scrutiny; rather, an aversion to it. And then there is the matter of time and money. Who, they wonder, has the luxury of hours to spend talking about himself or herself, and his or her ideas—and for pay? The result, during an "interview" not so cleverly as one thinks disguised as a casual conversation, is steadfast silence; and when an assault, subtle or not so subtle, is made on that silence, the result is perplexity, annoyance, frustration, contempt, or, often, a mixture of all of them. On the other hand, in some instances—that is, with a particular person—there may be another outcome; a question acts as the cause of an explosion and water pours over a suddenly weakened dam. And the analogy is not inappropriate, and sometimes exactly right, because afterwards the same person who has talked and talked feels violated, betrayed, upset by the outpouring of words, no matter what their message, and upset, too, with what has been said, or more precisely, told. It is at such moments, of course, that the visitor with his or her further questions decides to turn elsewhere for "information"; and there is no great literature,

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certainly, that tells us, in an honest-to-God, soul-searching way, what happens then—between the person interviewed and the person asking questions and, later, between the man or woman who is "doing research" and himself or herself as a writer. Do troublesome ambiguities get set aside? Do the objections, or worse, expressed by people who get called, of all things, "subjects" become soft-pedaled, or silently explained away as necessary "hazards" of "research," and of no real consequence? (It is astonishing, by the way, how much has been written about "transference," how little about "counter-transference," though one would think there is a certain existential parity between the two.)

All this is not perhaps an overly long prelude to a discussion of the "meaning" of work in the lives of grown-up American men and women who are not by any means embarrassed (but only sometimes proud) to give themselves titles like "a working man," or "a plain housewife" (meaning "a very hard-working woman, let me tell you"), or "an ordinary person" (meaning "just someone who works for a living, I guess that's all"). The last qualification, "that's all," is not meant to denigrate the amount or worth of the labor, but to indicate the speaker's lack of interest in self-enhancing heroics, or in talking about, as the currently faddish expression goes, "belonging to a community," namely one that contains millions of fellow working men and women. Nor is any account, however tentative, of what words like "adult" or "adulthood" mean to those same Americans best begun without a similar prefatory remark—that is, some qualification that expresses, really, an observer's quite difficult experiences with men and women who haven't, at times, known what to say (or think, or, more specifically, think of the stranger in their midst) when faced with his latest and odd line of questioning. The demurrers have been, for the most part, immediate and strong—as if, for example, a man who works in a General Electric plant in Lynn, Massachusetts, felt himself privy to the knowledge Wittgenstein and Heidegger both came upon, slowly and painfully, whereupon they used words more sparingly, if at all. Here is that man distinctly echoing those two philosophers: "I don't know about growing up—the time you're supposed to be an adult, and not a child any more. I tell my kids they'd better grow up when I think they're acting like fools, or behaving spoiled. They get the message. If they don't, I remind them again! But I'd be crazy if I tried to sit down and explain to them what's 'grown up' and what isn't—in the way you act. Some things—you either know them or you don't. If you don't, let me tell you, you're in real bad trouble. Like I say to my wife: when the kids get to a certain age, no lectures will make any difference. It's not what you say, a lot of times, anyway; it's what you mean in your heart. It's what your life is about—or isn't about. I tell my kids to be good to each other, and I think they get the message. But if someone asked me to sit down and explain why they should, and what I mean—well, I'd have to leave and get a beer and go cut the grass!"

No one had confronted him arbitrarily with questions about the "meaning of adulthood"; he and his wife had slipped quite naturally into a discussion of their children, and, specifically, their fourteen-year-old boy, who was, as they described it, "really growing up," an expression which had for them psychological and moral as well as physical implications. The expression is also comparative, depending for its meaning upon a contrast. But as that "meaning" becomes a subject for discussion, if not interpretation, the speaker begs off; he moves initially into an abstract vein, talks of an "adult" as against a "child," tries to spell out a particular psychological and philosophical position, then begins to feel and give expression to a certain futility, and

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with it a sense of what some might call "existential resignation": either one knows, and so there is no point in saying anything more, or one doesn't, in which case there is no point even in using words, never mind trying self-consciously and earnestly to spell things out precisely. Anyway, he is sure that an effort to define "adulthood" ought not to stand or fall on what he and his wife or others like them say or think. He has often made that point: "Everyone to his own work! I don't know how to answer the questions I read in the paper—the Gallup poll questions. I'm glad Mr. Gallup and his people don't come around here! I'd probably say yes or no a lot, but I'd be holding back a lot; or, I'd say to myself that I'm not telling all I have to say on the subject! Once I had a long talk with my brother; he's the one in our family who went to college, and he became a priest. I asked him if there's any way he can find out, during confession, if he's hearing the whole story. He said he doesn't want to. He said it's enough to hear what he does hear! He said people are all mixed up; they have a lot of different ideas cross their minds, and he tells them he doesn't want to hear everything. Sometimes there'll be someone, and she'll want to go on and on in confession."

He has without any ostentatiousness made a statement: "someone" becomes "she'll," and it is women who talk more about their thoughts or feelings than men do. Not that he will at that time, and in the context of that conversation, elaborate any further. Nor would anyone be wise to start pointing out to him his verbal "slip" or his "assumptions." He knows about the latter, actually; at another moment, upset enough to "give a speech," as he put it, some of those assumptions come forth quite candidly, in a rather forceful and, arguably, well organized and coherent fashion: "My wife used to have more time for thinking; she was home all day. She's religious, and when she was upset—one of the kids sick, or her mother and father still fighting, old as they are—she would go to church and talk with the priest. Now she has a job. She comes home as tired as I am. Work takes it out of you; no energy left for a lot of talk. There's barely enough energy to finish the day: supper, television, and to bed. Half the time we're both dozing in front of the set.

"I wouldn't mind being rich. I wouldn't mind having a lot of days off. But it would take me a year or two of decompression; you can't get used to the pace I'm used to, and then suddenly know what to do with yourself when you're not working. I never really stop working; even on weekends, even on holidays and vacations, I have work to do here around the house. I heard on television someone say that everyone should have a hobby, and there's a big future for the three-day week. My wife and I thought at first we'd like that a lot: time to unwind. But we don't have a weekend yacht to go sailing on! We stay here and there's one thing that needs fixing, and another. Who has the money to pay for someone else to come and do it? I've become a jack-of-all-trades. Then, there are the kids. I try to take them where they have to go; there's baseball and football and basketball—that's the nearest I come to relaxing, at those games. But you want your own kid to do better than someone else's, so you're not just sitting there having a coke and cracking open the peanuts! There are days that I say to my wife I wish *I* was the priest in the family. I'd never give her up, though, or our boys and girls. Never! I'm not made to be a priest! I'd go nuts!"

He goes on to spell out, a bit shyly but unmistakably, why: he couldn't take celibacy. But there are other reasons, too. His brother does "a lot of thinking," asks "a lot of questions," and that is not for everyone—certainly not, he adds, for "people who work all day, every day, including Sunday." For him Sunday's supposed "rest" is a fiction, the product of television stories, he pointedly mentions. He is sick and

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tired of them, even as he watches them in the evening. For him the Nielsen ratings are as suspect as political polls. In any event, if he were ever called, unlikely he knows, he would not be home. But his mind would not be a blank: "All day I stand there at work, and I talk to myself. I say, an hour on the assembly line for the groceries, and an hour for the mortgage, and then another hour for the groceries and another hour for the mortgage. Every once in a while, I add something else—clothes for the kids. None for me, though; I haven't bought myself a piece of clothing in seven years, since my kid sister got married, and I don't care if I even buy myself a shirt. A suit—forget it! Who has the money for a suit? I don't see why my kids like clothes so much. But we try to give them what we can. That's why my wife is working. That's why I do odd jobs on Saturday. When you grow up and take on responsibilities, that's your life. What else is there?"

He hastens immediately to insist that he is not complaining. Nor is he *only* coming up with one of those "denials" or "reaction-formations" some of us have come to notice rather often, especially when a disclaimer becomes a little too strongly spoken. Unquestionably he does upon occasion feel moody, bitter, resentful—and envious. Others may have a rather easy time, whereas for him there is an apparently endless succession of long, hard, exhausting days. His own children, for that matter, have a more interesting life than he has, or had when he was their age; and they may well, he hopes, continue to live more comfortably, because they may get better jobs, "live better" he puts it. But in addition to self-pity and a touch of regret, there is pride and a sense of satisfaction. He considers himself a hard-working man, and is looked up to as such by his wife and children. He is ingenious at saving money by learning how to fix things himself, and is applauded by his family and their neighbors as someone who can learn to do anything around the house—a plumber, steamfitter, electrician, carpenter, painter, paperhanger, or, in sum, "an all-around handy man." And he is admired for his apparently endless reservoir of energy. No one has ever seen him tired; everyone says that he is tireless. His youngest daughter for a long while called him Superman, and he never really showed any annoyance or incredulity at the accolade. In fact, he took to telling his wife that there are moments, or indeed days, when he has to agree: he has found it within himself to do the apparently impossible, or at the very least, the enormously demanding.

At night he dreams of work. The dreams are not pleasant, not unpleasant. He has his own footnote for *The Interpretation of Dreams*: "When you stand there, all day, doing your job, you can close your eyes or work blindfolded. That's not actually true; I tried to do it once, and got everything wrong. But it seems like you've become a part of the machinery, and at night your mind is still going strong. Why should it stop? Why shouldn't it keep the old motor going? I come to work early in the morning and I'm all ready; my mind is humming from the night before. When I wake up I tell my wife I wish I got paid for all I've done at night! She laughs; she says she'll wake up in a cold sweat, because she's been dreaming that she was supposed to be doing something, and she'd forgot to do it, or she didn't have the time."

So it goes—the intersection, during the long night, of what some would refer to as a "technological culture" and the "psychodynamics of human personality." Neither the man nor his wife has any use for such talk; they have heard a glimmer of it at home from their oldest daughter, who is taking a course on "child development." Some parents who want "the best" for their children shudder at what they hear when "the best" makes its appearance! But the demands of "time," of "life," work against

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confrontations; this is not a home where people sit about, hour after hour, "talking things out." This is not a home where "goals" are discussed, "commitments" regarded carefully and analytically. Goals are there; they are part of a father's constant dedication, a mother's unceasing labor. Commitments are also there—worked into the grain of lives that are lived, rather than talked about, examined, fitted into theories. And always, there is sacrifice—though not mentioned as such. That is to say, a mother and a father assume, rather than say to themselves or to each other, that to be their age, and married, and the parents of children, and of their circumstances or station in life, means to work long, hard, and unstintingly, in the hope that one's children will have a little easier time.

It is put like that—tentatively, guardedly, with a carefully weighed amount of optimism; and when it is put that way, a touch of philosophy and a limited measure of psychological introspection also are permitted: "We do the best we can. What more can you do? I'm sure my kids will have a better time than I've had; they'll get more education, and get better jobs. At least, I hope they will. You can't tell these days, the way it's going in this country. If my kids turn out okay, then I'll be a success. That's the only thing that counts—how your kids are when they're grown up. Our neighbors tell us the kids aren't spoiled. I could dance when I hear them say that! But the kids have their own ideas. I don't want them to obey me, as if I'm a sergeant in the Marines, and their mother is some witch. The other day my youngest boy asked me what I'd like to be, if I had a wish. I said no one but myself! I have a good wife, and good children. What more can a man ask for? I have a job, and I manage to keep my head above water. If I can do that until my last kid is out of high school and has a job, then I'll be ready to go, whenever He wants me up there. I'll have done my work, all of it. I'd be able to die with some self-respect. I only hope they keep me busy where I go next. I wouldn't mind going to Hell, if I could only keep busy."

He sounds more driven, more anxiously on the go, than he is. He doesn't have to push himself. He is supposed to be at work about ten minutes before eight, and that means leaving the house, allowing for the unpredictability of traffic, about seven in the morning. He is up a little before six and, as he puts it, "glad to be up then." His wife is up a half-hour earlier, preparing for him, for their children. She is a neat, orderly woman—who knows, however, when to relax and enjoy a certain anarchy: "I try to keep everything running smooth. I miss having a baby, but there has to be a last child! I used to keep the house spotless; then I'd watch the kids mess things up; then I'd go to work again, picking everything up. I didn't mind, though! It's harder now; the kids are growing up, and I have to get *them* to clean up, and it's a lot of work, reminding them over and over again. On some days I'm plain tired; I say to myself: forget it—let them make the biggest mess this house has ever seen! I go make myself a coffee soda. I remember my mother; she'd get more and more upset, and finally she'd tell us that she didn t care *what* we did, and *what* we said, because she was going to make herself a coffee soda. And she did, and we always knew that mother was going to sit there and enjoy us! I try to do the same. I read the newspaper, or I watch television. If I had a million dollars I'd get a bigger house, and I'd buy myself a car, but then I'd still have the kids to bring up, and I'd still want to make sure they're not spoiled. I go and work, so they can get that extra dress or go to the hockey rink and the baseball game. If I had a lot of money I'd worry; the children would take too much for granted. That's the worst thing that can happen in life. We should be grateful to the Lord for putting us here in the United States, and for giving us the health to keep

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going all day. I'm lucky, actually; I work at a switchboard, so I sit on the job. And my poor husband, he's on his feet all day. But that's life. Don't ask *why* in this life; just try to get through it so you end up having some respect for yourself. That's important."

She speaks about the importance of self-respect to her children rather often—once a month, she estimates, when things aren't going "exactly well," and she senses the need, *theirs* as well as hers, "for a good explosion." It is on those occasions, actually, that she speaks her "philosophy of life." She tells her children what she, what life, expects of them—"the best that's in them." And why? And for what purpose? If they ask, or if she has any nagging doubts that make her ask on behalf of them, there is soon enough an answer. She recalls the gist of what she has said on various occasions: "I'm more excitable than my husband. He says there's no point getting angry about a lot of things, because there's nothing you can do to change them. I'm different. I get heated up about something; I simmer along for a while; and soon I'm boiling, and the pot overflows, and the children just have to listen! I tell them that when they grow up, they'll know more about what I mean, but even now they should stop and remind themselves that life is no bowl of cherries, and you've got to help keep the house clean, and pay attention, and go get a summer job—everything that kids have to be told and told and told. I have one boy who asks *why* a lot; he always did when he was six or seven, and he still does, now that he's fourteen. I tell him why; I tell him that it's not for us to know the answers to a lot of questions; if his father and I started thinking *why* all the time, we'd soon be thrown out of the house, because the bank would call us on the mortgage, because we had no money for the payments; and we'd be without food, too.

"We're here to be tested, like the priest says. It's a trial. You do the best you can. We're lucky to be in America. Think of how bad it is in other countries. I tell my children that in this life you have to do the best you can—work hard, bring up your children to believe in God and love their country and be good citizens, and obey the law. Then they'll get married and they'll have children, and then they'll know what their mother was shouting about! Of course, I want them to have some fun for themselves. That's part of life, too. Once a month their father and I go out. I don't care how good the movies are on television, it's not the same as leaving all your worries and cares at the doorstep and going out to a movie. We'll grab a hamburg before. I feel better for days and days afterward—a change, a break in the rhythm. You get out of life what you put into it. If you're halfway good—and we all make mistakes, I know—then you'll do all right, provided you have luck, and the country doesn't get into bad trouble and start falling apart. So long as you keep your chin up, and do what you have to do. That's what it means to be a grown-up; you don't feel sorry for yourself all the time, and you don't go asking a lot from others, and you don't expect the world to be served you on a silver platter, and like the priest says, you know the difference between Heaven and Earth, and you try to live up to the Bible, and what you believe, and if you stumble, or if things go against you for a while, then that's just part of the story, and you pick yourself up and keep going. How do the young people say it: keep trucking?"

For her, for her husband, for their relatives, friends, neighbors, and co-workers, and no doubt for millions whose social and economic situation is similar, such moments reveal about all there is to reveal, so far as a subject like "adulthood" goes. The word itself is not used, though "adult" comes up sometimes—as a synonym for "grown-up," which is indeed used from time to time. To be "grown up" is to be

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responsible, hard-working, dedicated, and, not least, self-sacrificing without demonstrations of self-pity. To be "grown up" is also to be busy, to have found a mission in life, a purpose: the bills to be paid, the children to be brought up, and so on. Occasionally the mother just quoted makes it quite clear that she sees beyond her own condition or fate, recognizes the different obligations of others—those of a priest, an unmarried schoolteacher of one of the children, a childless couple who live nearby. But mostly, she sees her sons and daughters as the center of her life, and by extension, she regards children as the *raison d'être* of life in general: one labors over the years so that they will "turn out good," even as one's parents did likewise.

All in all a mixture of Christian fatalism and acquiescence to the prevailing economic and social system (accompanied by brief outbursts of protest, behind the closed doors of the home, usually in connection with a specific complaint or burden—such as yet another rise in the cost of food, or the threat of busing for one of the younger children). For that man and woman, and for others like them, at least in one observer's experience, a host of religious or metaphysical (or metapsychological) questions get expressed in a few phrases or sayings which may strike some of us as hollow, trite, or banal, as evidence of "brain-washing" or bondage of various kinds, but which have for those who call upon them a strong and continuing significance. When a man says that he has "no time for problems," or that he takes his problems to work, and they "get dissolved there"; when a woman tells her children that they will learn something "in the college of hard knocks" if they don't learn that something from her, then and there; when they both say, "a million times" by their count, that "hard work never killed anyone," and that one ought to "do the best possible, and that's all anyone can ask of you"—then, arguably, at least one "definition of adulthood" is being earnestly and sincerely attempted.

There are other moments, more explicitly religious in nature. A husband prays to God that somehow, in some way, He might deign to "change everything around." Yet, the reason such hope is expressed turns out to be personal, rather than an outcome of social or economic criticism: "On some days I don't think I can make it. I'm tired, and I begin to feel myself getting angrier and angrier. I even question God. I ask him, when I'm driving, why He still lets the world be so unfair, so rotten unfair, for most of the people, while a few lucky ones pick up all the pieces. If He got angry when He was here—and the priest keeps telling us that Jesus did get plenty angry—then why shouldn't I, and a lot of other people I know? Then, I stop myself. I get scared. What can I do? What can anyone do? What's the point of trying to figure anything out? It's all in His hands, up there, and He's not telling us. But I tell the priest sometimes in confession, when he tells me about 'the sin of pride,' that I've got even more 'pride' than I confess to! There are times when I'd like to be able to change the whole world; there are times when I catch myself saying—God forgive me: If only I was Jesus Christ, then I'd take care of the fat-cat crooks and liars in the world, and try to give the little guy and his wife and kids a break.

"Most of the time, though, I try to keep my mind on my work—on what I'm doing at the moment. The trouble with going to church—I told the priest once—is that you get to thinking, and thinking, and thinking afterwards. But what can you *do*? Nothing, I'll tell you. That's what you learn in this life. That's what you know your kids will learn, and you watch them learning it. If you're a plain working man like me, you take it, take it, and who knows if it's God who means for life to be like that, or whether someday the world will be different because us human beings finally figure

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out how to behave better toward each other, like Christ said we should. Meanwhile, I'll tell you, there's nothing to do but go along with the way things are and try to get the most you can out of life, even if it's not much you're getting."

For others, from a different class or "background," such remarks only seem to confirm pre-existing notions, if not outright prejudices: the "alienation" of the working class, or the influence of "the Protestant ethic and the spirit of Capitalism" on working men and women. Even Simone Weil, who struggled so hard to remove herself from the snobbish excesses of the intellectuals, and from the ignorance they have with respect to the lives of others different from themselves, could say this about France's factory workers: "From one day to the next, he finds himself an extra cog in a machine, rather less than a thing, and nobody cares any more whether he obeys from the lowest motives or not, provided he obeys." She had herself worked in the Renault plant outside Paris, and she had become appalled, saddened, moved to expressions of concern and outrage. Yet, one wonders whether even then, when the conditions of work were surely much worse than those that obtain today in the General Electric factories of this country, the workers she saw and for a while (but, inevitably, *only* for a while—as with the rest of "us" who go to be with, observe, get to know, and struggle alongside "them") stood with in solidarity, actually regarded their fate as she did. Now, of course, we have Herbert Marcuse's permission to go much further—he is one in a substantial tradition: to go after those Parisian workers, or at the two Americans called upon here, relentlessly and with an air of unabashed authority. They are "one dimensional"; they are blind to their "real" situation, and their efforts to describe their lives, to affirm themselves, are mere (and pitiable, crude) slogans, or vague and undiscerning pieties.

Maybe so; no one can "prove" the contrary. There does, however, come a point at which repeated and sincerely stated statements deserve not only to be "interpreted," or regarded as "defensive" in nature, or considered to be, underneath, the opposite in meaning, but also at least in possession of a glimmer of the truth—the deeply held convictions of men and women who are capable of fierce pride, shrewd realism, and insistent rejection of self-pity, or the pity of others, which can, of course, mask condescension or contempt. In home after home of ordinary working-class Americans one hears work described as a measure, as *the* measure, of a person's "grown-up" status. However critical those individuals are of a particular company or, at times, of the whole society, they find it almost impossible to talk about themselves without reference to the work they do—at home or in a factory, an office, a store; and, indeed, in dozens of ways they feel that they *are* what they do: "I am a policeman," or "I am a machinist"—definitions that are quite intimately tied to a sense of one's maturity, one's arrival, so to speak, in the "grown-up world," as many put it, when they are talking about their own time, as responsible workers and parents. (Freud's emphasis upon "love and work" as criteria for a person's relative normality and maturity is quite in keeping with the stress put on both by these not especially psychologically minded men and women, who almost never gauge their own "success" as persons without reference to their jobs and to their family life: does he or she work well and hard, no matter what the job's pay, status, or demands, and does he or she "have a good family to come home to"?

It is against such a background that one must evaluate the meaning of unemployment for the young, or the sudden loss of jobs experienced by the elderly, or, for that matter, the judgment by our various social critics that for many millions in, say,

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America, work is largely felt to be meaningless or exploitative. For youths who can find no jobs life is often "lousy," as one of them who lives not far from the factory worker quoted above puts it repeatedly. His elaboration of just *how* lousy is forceful, touching, revealing (some of us would certainly say), and quite like the comments others in a similar dilemma come up with: "The worst time is when I'm looking at myself and I feel lousy, so lousy I want to smash the window. If I had a job, I wouldn't be standing there, staring at myself in the first place! Who wants to have that kind of time on his hands? I hate myself; then I hate everyone else. I guess I wish I'd been one of those brainy ones who got a scholarship to college. But college graduates are having their troubles, too. It's a rotten deal when you can't find a job and don't earn your own money. Who wants to draw unemployment money, then borrow from the parents? I feel myself getting younger by the day—becoming a kid, feeling sorry for myself, and getting lazier by the minute. No good. After a while you're ready to return to elementary school!"

Maybe he is "regressing," as old people similarly do when faced with long hours of time and no work to fill them up. But maybe he is also speaking the plain truth, as he sees it. He is, perhaps, like many who do have work that others might consider "unattractive" or not "fulfilling" or "menial" or "rote, pure rote in nature," yet do indeed have quite another view of the matter—not a view that has themselves "duped" or "hoodwinked," but one that declares themselves to be psychological realists: aware of the world millions of working men and women live in, desirous often enough that it will some day be changed (though not necessarily in all the ways some of "us" who write about "them" would like), but also anxious "to live an ordinary life," to "be a 'grown-up,' " to "hold a job and take care of a family," "to pay the bills and see the kids grow up to be good people," if one may draw upon certain "definitions of adulthood" used by a number of American citizens.

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WALLACE STEGNER

The Writer and the Concept of Adulthood

IF THE TERM "ADULT" MEANS ANYTHING, its meaning must be social. One does not declare oneself adult; one is perceived to be. Unavoidably, the qualities we call adult are on the side of "sanity," "normality," rationality, continuity, sobriety, responsibility, wisdom, conduct as opposed to mere behavior, the good of the family or group or species as distinct from the desires of the individual. It is unthinkable that we should call "adult" anyone who is unstable, extreme, or even idiosyncratic. In its purest form, adulthood is expressed in the characters of saints, sages, and culture heroes.

But in our pluralistic society, saints and sages are of many kinds, not always fully reconcilable. They derive from Christian, Jewish, Greek, and many other traditions. They have their roots in religion, law, humanistic ethics, art, in piety or skepticism, faith or stoicism or doubt, the agricultural or pastoral or industrial life, the tribe or the horde or the *civis*, wars or folk-wanderings or myths. To those brought up in a tribal or ethnic or religious tradition which retains its integrity, the accepted saints and sages provide satisfying models of adulthood. A Hopi Indian knows pretty precisely what growing up to manhood or womanhood means. But if tradition is broken or unformed—if one is a black American, say—all guides may be unacceptable. To a black man who is fatherless, jobless, status-less, and without authority figures except those who have humiliated his race and him, the only attractive adult image may be that of avenger, an image of violence such as that embraced by Eldridge Cleaver. And even so limited and essentially perverse a version of adulthood is subject to change as American society evolves. After another few centuries of the melting pot one might expect a gradual reconciliation of our various notions of what it means to be grown up. On the other hand, if the present tendency toward accentuated ethnicity continues, there may never be a recognizably American adult, but instead the continuation and hardening of diverse and possibly hostile patterns within many sub-cultures.

One instrument of both preservation and change is obviously the artist, especially the writer. Even in an age of anti-heroes and competing sub-cultures he continues to create or report models for emulation or repudiation. Yet to examine the concept of adulthood as it relates to the concept of the artist—and to do it without an adequate definition of either—may seem an undertaking of dubious utility. For one thing, artists and writers are as various, and reflect as many competing traditions, as the rest of us. For another, artists are banned from the Republic and the company of the philospher-kings precisely because, in their lives or their works or both, they are

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said not to demonstrate the sobriety and responsibility which the good of the state requires and which are basic to most of our tentative definitions of adulthood. Indeed, the Romantics from Blake and Wordsworth to D. H. Lawrence have insisted that the writer ought to be a child, or a primitive, and that acceptance of social obligations and duties, far from being a sign of maturity, is the saddest sort of surrender. Egocentrism, bohemianism, rebelliousness, lack of self-control and of that "developed strength" that Erik Erikson suspects is central to maturity—these are qualities we expect to find in writers and often do. We especially fear the artist in politics, but we rather fear him everywhere. He is an unsound man; and though he is a sort of anticoagulant in society, and hence indispensable, he has no clear social role. Not even the Internal Revenue Service allows for him on its forms. Not even our habit of nomenclature, which produces millions of Carpenters, Wheelwrights, Farmers, Fishers, Hunters, and Shepherds, has any family name such as Writer. The closest it comes is perhaps Clark, which is not the same thing by quite a margin.

The artist is as hard to define as the adult. There can be, and have been, Apollonian artists whose gifts of insight and wisdom ally them with that *vir* who is the vessel of *virtu*. But in our time the artist is likely to be Dionysian, marked not by the essentially conservative wisdom of the old chiefs, but by the passion and recklessness of the young warriors. As he is generally perceived, and as he more often than not perceives himself, the writer has only the obligation to be open to experience, even to personally and socially destructive experience. He may even commit experience as field work for his writing. He is the priest of human possibility, not of any limited system, and his fate is sometimes to be a sacrifice to his openness: sometimes we destroy him or ignore him to death because he threatens us, and later immortalize him because he has enlarged our vision. According to that pattern, Socrates was an "artist" done in by "adults." It is ironic that that interpretation was given to us by Plato, an artist who feared artists, an authoritarian adult uneasy about the coercive power of society.

Yet we should not, I think, dismiss artists from any consideration of adulthood. They are not quite gifted but irresponsible children; they are mixtures and approximations like other concepts—like adults, for instance. And from the time of the invention of the alphabet, writers have helped to shape our ideas of adulthood. On occasion writers have themselves achieved status as saints and sages. Moreover, writers are not static: they grow and change, and perhaps they grow toward greater wisdom and responsibility; perhaps there are stages in their lives that correspond to the stages of childhood, adolescence, adulthood, and senility in the life of Everyman. Perhaps, furthermore, the very qualities that self-protective societies find dangerous are the proofs of a higher adulthood, beyond and above the prescriptive and limited adulthood that limited societies feel comfortable with. Writers would like to think so. "What is Chaos?" asks Stanislaw Lec. "It is the Order destroyed during Creation."

There are writers of every stature. We are talking, I presume, only about the serious and gifted. And I have never known a serious writer who wasn't as responsible, in his way, as any priest or professor or public servant. The difference is that a writer is responsible not to a tradition or a church or any sort of social stability and conformity, but to his personal vision of truth and social justice, to his gift. That often sets him at odds with the "adults" of his system, but it also makes him indispensable. His vision and the integrity with which he pursues and promotes it are elements needed for a larger and more humane synthesis, which in the nature of things will again harden and will need once more the services of iconoclasts.

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Iconoclasts, moreover, who *work*—whose work is never done, whose work is coterminous with consciousness and energy, who are diligent, self-disciplined, independent, and endlessly patient. Work is the means through which a writer puts into communicable and evocative and perhaps memorable form what he wants to say. If any quality seems to entitle him to be called adult, it is his capacity for work. Unfortunately, this society's attitudes toward work are so ambiguous that they call for some preliminary discussion.

There is hardly an activity of man so consistently bad-mouthed as work. It has had a hostile press ever since Genesis 3:19. Children are warned that all work and no play make Jack a dull boy. At least in some moods, we associate work with discomfort, imprisonment, fatigue, boredom, indignity, exploitation, everything that hangs like chains around the ankles of our pleasures. Those who affect to like work we call victims of the puritan work ethic; we tell them that if they don't relax and let the pleasure principle in, they will suffer consequences compared to which cholera would seem benign.

Work is what almost everybody says he would rather be doing anything else than. Fantasies of work's unpleasantness are matched by counter-fantasies of idyllic laziness and liberation. In keeping with some Huckleberry Finn wishfulness that inhabits our mental cupboards next to memories of Poor Richard, a hundred million non-fishing American men, asked what they would do if work were abolished tomorrow, reply that they would find a grassy bank, lay in a good supply of beer, and lie down with a fishline tied around their toe to watch a cork bob in lazy water forever.

We all partially subscribe to the stereotype that puts work and pleasure at opposite ends of the scale. Children, who do not have to work, are envied by adults, who do. Five days, the script goes, we grudgingly labor, and on the sixth and seventh we renew ourselves. Vacations are all that keep us from being pulverized by the Old Grind. We work at our recreation very hard, and when we limp exhausted back to factory or office we are greeted by groans of sardonic sympathy. Back to the salt mines, ha ha. Hello, sucker.

Thus the folklore of industrial and corporate man. Recovery from work is the excuse for many diversions, from managerial alcoholism and call girls to blue-collar taverns with topless waitresses and Saturday-night brawls. Yet most of us, even those of us who work at routine jobs, don't dislike work as much as we say we do. Not too rebelliously, we accept the fact that work is what we build our lives around, and many of us discover it to be a satisfaction, even a pleasure. It not only gets us what we need and want, it proves to us that we are grown up.

We are at least as industrious a species as the ants, even while we disparage the work ethic. If our play is sometimes work so is our work sometimes play. We think we get more fun out of life than the people we vaguely call puritans. But nobody ever accused Ben Franklin of being dour, even if he did write *Poor Richard's Almanack*; and who is to say that John Cotton, rising at three to study Greek and Hebrew scriptures for three hours before his day's work properly began, and closing out his eighteen-hour work day by sweetening his mouth with a bit of Calvin before sleeping, was not enjoying himself? Joy in work is largely a matter of motivation, and Cotton's urge to walk piously with God was perhaps as effective a motivation as that of Dr. Freud, another man who worked himself very hard.

Even parents who habitually pursue the pleasure principle from Las Vegas to Puerto Vallarta may have a disconcerting and not entirely consistent way of urging,

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driving, and bribing their children to work hard in school. When children become adolescents, moreover, and begin to yearn for the independence and presumed freedom of adulthood, few, even in these days of the counter-culture, question the law that ties their maturity to self-supporting labor. As it said on the gate at Auschwitz, *Arbeit macht frei*. And pleasure-prone American parents are likely to consider their child's first serious job a rite of passage comparable to graduation from high school. The fathers of the sixteen-year-old boys I sometimes hire as handymen consult me anxiously in private. How's the kid doing? Has he learned to work? Can he do a job?

If he has, if he can, he has begun to "grow up." Work is perhaps the ultimate measure of adulthood. Pleasure in work is another and more debatable matter, for even those who accept work willingly may pretend to dislike it. Yet the pleasure principle which is supposedly incompatible with work has a way of entering quietly by the employees' entrance. Many an individual finds, on retirement, that during his life he has got more fun out of his work than out of his fun. Thrown into total leisure and unproductiveness, he invents jobs in order to have them to do. The companionship of fellow workers and the satisfactions of a shared function turn out to be more valuable than we ever thought while we had them. That goes for workers whose jobs have been routine as well as for those who have enjoyed a certain professional autonomy. As the retired executive may yearn for the sense of power and usefulness that his desk once gave him, the ex-postman's feet wistfully remember the comfortable turnings and re-turnings of his old route.

In short, more people than would probably admit it find in work the scaffolding that holds up the adult life. Of course it can be a compulsion, a neurotic symptom: like almost any human activity it can be carried to that excess that constitutes sin. But even when it is compulsive and neurotic it may be the only thing that holds a life together; for what is a neurosis but an adaptation, perhaps desperate but an adaptation, designed to keep disintegration and panic at arm's length? And sometimes work is more than a satisfaction, a comfort, a habit, or a sanctuary. It is a joy.

Levin reaping his fields with a crowd of peasants in *Anna Karenina* is exalted beyond thought or fatigue. His anxious self-questioning is lulled, his sensuous perceptions are heightened by the delight of rhythmical muscular exercise and by association with men whose physical competence is a challenge and whose integrity as workmen he respects. I have seen executives on vacation, playing at bringing in wood from a woodlot, experience the same intense pleasure. I have experienced it myself with a crew of Vermont farmers cooperating around a drag saw. Women preparing a church supper, students organizing a bonfire or a confrontation, even a detail of soldiers digging a latrine will experience it if health and morale are good. I suppose some optimum of work-pleasure is achieved by a string quartet either practicing or performing. The joy of joint effort is at the heart of all team sports. Alexis de Tocqueville, observing quilting and husking bees and neighborhood barn raisings, thought their communal labor one of the most attractive as well as one of the most democratic aspects of American life. In an odd way, moreover, this shared work that effaces the individual also enhances him. Even more than competition, it makes him do his best, and better than his best.

Unfortunately communal work-joy is incompatible with industrial capitalism, so that our feelings about it are mixed. It is too easily exploited. It weakens the hand of collective bargaining. Also, it has bad political associations. Dictators both left and right are students of the symbols, slogans, songs, parades, and eurhythmics that help

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produce this productive form of group hysteria. We hear from recent travelers that China is full of smiling people in blue blouses happily carrying out the directives of Chairman Mao, and we ask why we hear of no such unanimity among artists and intellectuals, why the cultural revolution was thought necessary. We answer ourselves with the assurance that Mao has the same view of artists that Plato did. Artists and intellectuals don't relish the role of Pavlov's dog or the worker bee. They are unsound, dangerous to the system, and hence (it could be argued) un-adult.

So communal work-joy does not seem to have much of a future in America, outside the activities of musical groups, sports teams, certain academic and research organizations, and spontaneous associations of farmers, vacationers, and eleemosynary volunteers. Our aspiration is in the opposite direction, toward maximum self-realization as individuals. When Edwin Land, the founder and president of the Polaroid Corporation, tells us that the worker is entitled to more than an eight-hour day with a martini at the end, the "more" that he has in mind is not Chinese enthusiasm and unanimity, but the individual pleasures of creativity and problem-solving. When Mr. Land himself is on a problem he is at the lab at all hours of the day and night, because nothing else he could be doing could possibly interest him so much or give him so much pleasure. He would like to give Polaroid employees a chance at the sort of work-pleasure he himself enjoys. When we come down to it, that isn't greatly different, except in its objectives, from the dedicated strenuousness of a John Cotton.

Work folklore to the contrary notwithstanding, that is what many kinds of Americans hunger for. They try to evade or supplant the system, not cooperate with it. The young people who flee industrial civilization and build their log cabins, yurts, or geodesic domes in the woods, there to live off their subsistence gardens while their children grow up as part of the wildlife, are following a fad, certainly, and repeating the perennial American fantasy of a return to innocence, and sometimes paradoxically submerging themselves in an alternative group. But they are not running from work. They are only trying to restore to work the elective freedom, the meaningfulness and joy, that industrialism has taken out of it. Instead of tightening individual nuts, they want to handle the whole product. They want to pursue their own ends, not those of a corporation. They prefer the human (sometimes the tribal) to the industrial scale. Neither the collectively-bargained-for reluctances of the assembly line nor the singing unison of the hive satisfies them. Significantly, a lot of them yearn to be artists or writers or craftsmen; they take up leather-working or wood sculpture or blacksmithing, they make miles of macramé. Papered-over puritans, they aspire to a working autonomy that in our society is now enjoyed principally by experimental scientists, intellectuals on fellowships, hermits, free craftsmen, and hippies with trust funds. The artist's relation to his work—autonomous, independent, creative, free, joyful, and presumably easy because uncoerced—is the relation many of us entangled in the world's drudgery yearn toward. We pay our writers the compliment of envy and emulation, even while, as a society, we disparage their easy and irresponsible life, or try to sterilize them with celebrity.

I suppose that creation—the creation, say, of a novel—is one of the highest pleasures available to us, pleasure at a godlike level. But the novelist's life is not quite the carefree matter that popular condescension and envy assume. As De Lawd said in *The Green Pastures*, "Bein' God ain't no bed of roses." The more independent work is, the more solitary it is likely to be. It rarely involves enough of the stimulation of human warmth and contact. Its sharing is more often done after the fact than during

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the act. It breeds no songs, chanteys, dances, or any of the spontaneous folklore which, once created, adds enthusiasm and delight to the work it sprang from. Writers, especially, work with an austerity that is close to puritan, and with a dedication that approaches, and often becomes, compulsion.

The self-starting, self-directed, self-disciplined writer is commonly a harsher boss to himself than any external boss could be. He is his own victim. Unlike a compulsive moneymaker or tycoon, he cannot at a certain age divest himself of his monomania and turn his life to enjoyment of his gains by becoming a gourmand or a collector of paintings. He can no more be relieved of his creative curse than Hawthorne's Georgiana could be relieved of her birthmark: it is entangled with the very roots of his life. Hundreds of writers, ancient and modern, have testified that a day without work is a day lost, and some of the saddest people in the long sad history of mankind have been creators whose creativity wore out before they did. One such, as his *Life in Letters* makes clear, was John Steinbeck. In considering the ways in which a writer's life may be given its shape and meaning by his management of or by his gift, I have Steinbeck frequently in mind.

It is all but standard for serious writers to coerce their creative activity into a frame of habit. Except for amateurs and dilettantes, writing is not a part-time occupation, nor is it the automatic spilling-over of genius. It is the hardest kind of work, the making of something from nothing. No one but a dedicated, disciplined, even bull-headed individual is going to go on, day after day, sweating for five or six hours to make a page that may have to be thrown away tomorrow. If, as Henry Adams said, chaos is the law of nature and order the dream of man, and if the imposition of order on a corner of chaos is the function—or the illusion—of art, then the writer feels obliged to begin by imposing order on himself, at least during working hours. "The getting to work is a purely mechanical thing, as you well know—a conscious and self-imposed schoolroom," Steinbeck wrote to a friend. "After that, other things happen, but the beginning is straight pushing."

The establishment of a working routine is more than a means of making oneself toe the line. It is also a protection from interruption by friends, acquaintances, and strangers who assume that since you are at home you are not working, and who further assume that even if you are, your work is like other work and may be lightened and sweetened by interruption. The writer at work is submerged, and every intrusion that draws him to the surface costs him his concentration. More than that, his routine is part of a mystique. His time is braced on every side by habits and propitiations. The writing is not only done during certain regular hours, it is likely to involve a foreplay as essential as that of sex. We sharpen pencils, clear the desk, change the ribbon, warm up the finger by writing a letter or two. We fritter and putter, we read over yesterday's pages and perhaps rewrite them, perhaps throw them away. We work closer and closer, not being too obvious about where we are headed, until all at once we are there, and writing. That is when we need a wife who will answer the telephone or the doorbell and swear we are not at home. As a matter of fact, we're not.

Furthermore, no writer I ever knew wants to examine too closely what goes on when he is writing well. (I exempt Arthur Koestler, who had already given up writing novels before he took up the study of creativity.) The creativity studies conducted at Berkeley over a good many years found writers their least cooperative subjects. Asked

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to demonstrate with blocks how he organized a short story, Frank O'Connor said disgustedly that he had quit playing with blocks when he was three. I have seen a pair of distinguished psychologists meet only stony suspicion and refusal when they asked members of my advanced-fiction seminar to volunteer as hypnotic subjects. The idea was to sneak up on their creativity when it wasn't looking. Those young writers did not want their creativity sneaked up on. They felt it to be not only intensely personal, but fragile. Instead of exposing or analyzing it, they surrounded it with a camouflage of routine and casualness. They kept it in its hideout where it was safe; only at *their* will, not at that of some investigator, did they turn it loose to make its raids on human experience.

Ordinarily, the establishment of working habits goes on simultaneously with a writer's exploration of his talent, discovery of his themes and subject matters, and finding and polishing of techniques. The habit of work is perfected in a time of promise, ambition, hope, and often crazy energy. It is a time of great happiness for many, for they are both discovering themselves and putting themselves to use. They are exemplars of the examined life; and their examination is not isolated and analytic, but synthetic and in context. They are constructing, in stories, novels, poems, or plays, scale models of their insights and beliefs. They know the joy of creating a world.

Many writers, perhaps most, have found their workrooms places of sanctuary, and work a magic that exorcises demons. "By God I envy you people," a psychologist told me once. "You can write your lives instead of having to live them." He was not quite accurate: one does both, and simultaneously. I helped my mother die, and I was writing with some part of my mind much of the time. When I received word of my father's death I said, without premeditation and to my own dismay, "Now I know how that novel ends." The writing habit can be a carefully prepared schizophrenic closet into which one retires to make intolerable reality into something bearable.

Such experiences mark the first and most exhilarating stage of the characteristic novelist's career. The second has arrived when subject matters and themes have been found, techniques learned, audience achieved. It is not a stage that happens to everyone: fledgling writers make it to safety about as infrequently as newly-hatched turtles or salmon fry. But for those who do, this is the stage of self-confident achievement, emancipated from too much self-scrutiny.

So what was at first spontaneous, absorbing, full of discovery and delight is disciplined into a habit rich in satisfactions, and then becomes a refuge whose pleasures are more rueful, to be accepted with gratitude. And if personal troubles threaten to get out of hand, or if new themes come harder or not at all, if creation comes hard, or stops entirely, then there is a third stage marked by desperation and compulsion. Instead of enjoying his work habit, or finding safety in it, the writer may become imprisoned in it, and work may become a self-made hell. Like a dwindling oil well, the novelist has to pump ever harder for what little he produces. Or like a beaver whose teeth grow constantly, he must chew incessantly, not to eat, not to build dams, but simply to keep his jaws from being locked shut.

There is such a thing as writer's block, there is such a thing as being written out. A writer who lasts through several decades can hardly avoid experiencing both in some degree. I remember Walter D. Edmonds, once a dazzling success story among the writers of Cambridge, Mass. About 1941 he ran into a total block. The harder he tried, the less anything worked. He never succeeded in writing again, except for chil-

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dren, but I know he went through all the circles of hell clear to the ninth, which, as if to accommodate writers, is lonely and cold, before he adjusted himself to silence. I remember Bernard DeVoto after he had written the trilogy of Western histories which were so clearly what he had been born to write; he suddenly found himself without book. Art, he had said, was man determined to die sane. Art was the instrument and proof of self-control. For a long time he carried on the professional hackwork and the essays on public affairs that he had always done as a second full-time job. They didn't satisfy. The desk which had been both a sanctuary and the place of deepest satisfaction became a prison and an excuse. The creative excitement dried off like mist off a windowpane and let him look through to what he didn't want to see. The compulsive worker who for years had held off dread and panic could no longer hold them off, and he died desperate.

Happiness in work? Satisfaction in work? I know they exist, for I have experienced them. But I am sobered by the many writers who in order to pacify their demon turned work into a compulsive habit and found themselves at the end enclosed in it, as empty as the shell of a dead tortoise. What does the novelist do when the awareness that this has happened comes on him? Sometimes he works all the harder, a machine that at least for the time being cannot do anything but run. Often he projects great plans to persuade himself of something—that this will be the biggest thing in his whole career. Eventually he might have to admit that he is "written out." One of the special anguishes of a writer in this condition is the fact that writers, by definition and profession, are *aware*. Often they also have an over-developed sense of mission. It is very hard to accept the end of their specialness.

And what does this tell us about adulthood? Nothing very coherent, I fear. It raises more questions than it provides answers. Is the novelist, threatening though he often is to our conventions and assumptions and socially protective inhibitions, dangerous child or prophet? Was Steinbeck, for example—exposing the exploitation and social injustices of California's factories in the fields—the hateful radical the growers thought him, or the prophet he seemed to the Americans with a developed social conscience? I suppose he was both, for the growers had to move over and make room for reforms that *The Grapes of Wrath* made inevitable. By his choice of subject matter and the direction of his sympathies and the expression of his anger, he established himself as a milestone on the road to Cesar Chavez and the United Farm Workers, and so as a kind of champion of justice. By speaking from within the democratic mass, he offended the literary intellectuals, who dismissed, and still dismiss, his work as middlebrow. Where does adulthood lie among such contradictions?

There are other questions raised by the decline of a writer's creative powers. Is adulthood only a stage, the stage of full vigor and confidence, in the life of a writer? Is an author "adult" only during his middle years when he is full of things to say, has developed the means to say them, and perhaps has a vast audience to say them to? Does his growing anxiety and eventual silence represent a decline from adulthood, a diminishment toward impotence and senility, or should we take them as a maturing into sad but acceptant wisdom, a fully matured stage when personal desires, ambition, and the other vanities have been worn out and the writer's mind is clear, passionless, only faintly regretful? How much does personal serenity, that state so seldom observed among men and women of any profession, define adulthood?

I do not know, for our notions of adulthood are various and contradictory, but I

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do know that many writers display those ambiguous symptoms and suggest the same questions. Was the Sinclair Lewis of *Main Street* and *Babbitt*, during the years when he was in full vigor and capable of the most acid commentary on mid-American life, more or less mature than the chastened Sinclair Lewis of *It Can't Happen Here* and *The Prodigal Parents*, books whose theme was the unspectacular but utterly essential goodnesses and stabilities of middle-class life threatened by fascism or by youthful intransigence? Young warriors do sometimes become old chiefs, even among artists. They seem to go through stages like the rest of us, and at different stages they embody and celebrate different aspects of our social aspiration, different versions of good. What may begin as a determination to remake the world in the image of perfection, or express only its highest ideals or its most civilized aspects, may subside into the tired perception that the ideal is an impossible dream and that the best anyone can do is to help hold things together with sticking plaster. Is it more "adult" to aspire to the impossible, or to accept imperfection?

Moreover, the stages that sometimes seem to be apparent in the lives and works of writers may be less precise than they appear to be. The fact is that literature is helplessly culture-bound, which means that in a pluralistic society it reflects the wildest variety of norms, and that variety itself changes with time, with the changing proportions and dominances among the populations, and much else. As the mordant Stanislaw Lec remarks, every stink that fights the ventilator thinks it is Don Quixote. But it does not follow that every such stink can be ignored: sometimes it *is* Don Quixote. Not every child who plays with fire can be ignored, either: sometimes he turns out to be Prometheus. So it is impossible to say that youthful rebellion against law, convention, custom, and prevailing literary practice is necessarily immature and that more conservative responses are more adult.

We grow up unevenly, into a world which puts uneven values on our qualities. By a kind of consensus, the dedication and self-discipline that artists quite commonly display in their work entitle them to be called, at least in that respect, mature. But what is written in those disciplined hours may be absurd, jejune, unreal, dead wrong. Work discipline may serve illusion and self-deception and, occasionally (at least in the view of some readers), downright evil. On the other hand, if adulthood is held to be the hard-won product of age, thought, and experience, it is almost inevitably allied with resignation, and its strongest counsel will be caution. Nestor, not Odysseus and certainly not either Achilles or Agamemnon, becomes the adult model—and we have no counsel which could lead either to the fighting or the writing of the Trojan War, a testing ground for heroes.

We grow up unevenly. It is unlikely that we will see, among writers or among the population at large, any individual who is clearly and unambiguously culture hero, saint, or sage. What we are more likely to find is that collection of contradictory qualities, that *homme moyen sensuel*, whom by a process of averaging we agree to call adult. He will have in him some element of the man who sets out to change what he cannot bear and some element of the man who makes up his mind to bear what he cannot change. He may be wise, he may in fact be a true sage, as Robert Frost was one; yet, along with his profundity and wisdom, Frost displayed both in private and in public an unbecoming malice, and he was given to childish tantrums. Or he may be strictly controlled and disciplined, as in his writing Ernest Hemingway was, and never grow up beyond envy and spite, never write a line, however disciplined, that is uncorrupted by his own egomania.

I do not believe that adulthood is definable as a stage in the life either of artists or

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of less self-conscious mortals. I do not believe that it is even a precise cluster of qualities, for qualities are different depending on the point of view and the time and the circumstances. Adulthood, I should say, is always an approximation—a failed approximation. Among the saints it may be justified by faith; more generally it is shaped by indecision and doubt. And I think it does not necessarily last from the time when it is approximately achieved to the time when the coffin lid is closed upon the serene and upward-staring face. It is a stage on the way to senility—or, in the case of many writers, a tentative, half-scared, half-hopeful, nearly-compulsive time for the exploitation of a gift that at any time may be cruelly withdrawn.

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KENNETH S. LYNN

Adulthood in American Literature

In 1922, when the critical reevaluation of nineteenth-century American literature was just getting under way, D. H. Lawrence wrote: "We like to think of the old-fashioned American classics as children's books. Just childishness on our part."[1] Lawrence was only half right: the childishness is in the books as well as in ourselves.

It is, of course, true that Cooper, Irving, Melville, Hawthorne, and Poe created characters of all ages. Yet, for the most part, they were curiously insensitive to the dramatic possibilities of the human life cycle and made only the crudest effort to distinguish between the fascinatingly different stages of its later half. If, for example, a historian with a particular interest in the family and in problems of early maturity should try to find out how young married couples in the early nineteenth century responded to the sudden onset of familial responsibilities, he would gain nothing from reading the best American writers of the period. For, while the books they wrote were intensely psychological, the fears and anxieties that grip their characters rarely serve to illuminate the dilemmas of particular age groups. The terrors experienced by Roderick Usher, Clifford Pyncheon, and Ichabod Crane are states of feeling that anyone, young or old, can understand. Thus it was not just the thrilling action and detective-story suspense of the old-fashioned American books that caused them to be appropriated by an audience that was much younger than the authors had in mind; their reductionist renditions of grown-up life also made it easy for juvenile readers to regard these books as belonging to them. By the end of the nineteenth century, the masterworks of an earlier era—an entire literature!—could be found in the closets and cupboards of children's bedrooms.[2]

Cooper's *Prairie* (1827) is a good example of the sort of childishness I am talking about. The novel was composed by a thirty-eight-year-old man, but its portrayal of Natty Bumppo as an octogenarian could as well be the work of a boy of twelve. A juvenile perspective is established in the very first appearance of the trapper. Coming to a halt at the top of a rise, Natty compels us to look up at him in the manner of awestruck children gazing at a strange adult:

> The sun had fallen below the crest of the nearest wave of the prairie, leaving the usual rich and glowing train on its track. In the centre of this flood of fiery light a human form appeared, drawn against the gilded background as distinctly, and seemingly as palpable, as though it would come within the grasp of any extended hand. The figure was colossal; the attitude musing and melancholy . . . . But imbedded, as it was, in its setting of garish light, it was impossible to distinguish its just proportions or true character.

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Coming closer to the man against the sky, we see that he is very old. His "withered" form and "look of emaciation, if not of suffering" clearly show that he has endured the hardships of an outdoor life for "more than eighty seasons." Yet as soon as he moves, his decrepitude drops away from him as if by magic: "With a facility a little remarkable for his years and appearance," he shoulders his "heavy rifle" and plunges down the hillside in order to show an emigrant family where to pitch camp for the night.

The episode launches a systematic evasion of the painful problem of being an old man in a young country. In all likelihood, Cooper created the hero of his novel in the image of the grizzled pioneers whom he remembered from his youth in Cooperstown, New York, in the seventeen-nineties, but who by the canal-building eighteen-twenties had long since disappeared. Cooper's re-creation, however, is not really old; he is a young man in a gray wig, an elegiac symbol ungrounded in human truth and possessed of only a fraction of the poignant meaning he might have had. At an age at which most pioneers would have been content to sit near the stove in country stores, Natty has found a new life as a beaver trapper in the high plains country of western Nebraska and eastern Wyoming. He traverses this huge territory alone and on foot ("horses have I never craved, nor even used"), sleeping at night on brush piles under the open sky and killing animals for food as he goes. Despite his periodic protestations that his prowess with a rifle is not what it used to be, the novel demonstrates that Natty is no bleary-eyed relic, but the Hawkeye of old. Not only can he still take "a leaping buck atwixt the antlers" and make short shrift of grizzlies and panthers, but when several younger people are in danger of being run over by a herd of stampeding buffaloes, he singlehandedly saves their lives:

> The old man, who had stood all this while leaning on his rifle, and regarding the movements of the herd with a steady eye, now deemed it time to strike his blow. Levelling his piece at the foremost bull, *with an agility that would have done credit to his youth* [italics mine], he fired. The animal received the bullet on the matted hair between his horns, and fell to his knees . . . .

There is also nothing wrong with his sense of hearing. Although a man less than half his age interprets a distant sound in the night as the pounding footsteps of a herd of terrified buffaloes being driven by a panther, Natty knows better: "Your ears are cheats," cries the old man, "the leaps are too long for the buffalo, and too regular for terror." A short time later, the appearance of a band of Sioux Indians riding horseback proves him right—as always.

Eight pages from the end of a long novel, this gerontic marvel finally lies down and dies. At long last, his eyes are "glazed." Even on his deathbed, however, Natty denies the realities of adulthood. He experiences no more pain or fear than the sunset which is simultaneously occurring, and as he speaks his valedictory the old trapper's force of voice has "the same startling effect upon his hearers as is produced by the trumpet, when its blast rises suddenly and freely on the air." As he himself says, "I die as I have lived."[3]

Leslie Fiedler has claimed that American storytellers are pathologically incapable of dealing with adult sexuality and have been driven as a result toward an obsession with death.[4] But the classic American writers had very little to say on a lot of subjects, including factory work, railroad construction, banking, farming, newspaper-editing, running for political office, school-teaching, child-rearing, house-clean-

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ing, bill-paying, and the systematic exploitation of Negro slaves. As for their alleged substitution of death for sex, they skirted the agonies of terminal illness as carefully as they did the excitements of love-making. Their inability to deal with adult sexuality, in other words, was only a symptom of a larger, more encompassing failure.

In lieu of all the life they left out of their books, the classic American writers told stories of self-discovery and self-preservation. Some of these narratives are distinguished by a charming humor, others by a calculated sensationalism, still others by an obviously genuine despair. But beneath their vast differences they have one characteristic in common: psychic immaturity. I say psychic immaturity because one of the signs of an underdeveloped personality is the failure to recognize that serious personal and social problems cannot be solved by running away from them. Over and over again, however, the leading characters of classic American literature react to the crises in their lives by taking to the sea or withdrawing into gloomy mansions or high-walled castles or disappearing into the forest. One of the first, and undoubtedly the most celebrated, of these escape artists was created by Washington Irving. In the character of Rip Van Winkle, Irving established the archetype of the adult hero who is a child at heart.

Easygoing Rip has spent his entire life evading responsibilities. When his shrewish but practical wife reminds him for the thousandth time that his laziness has brought them to the brink of financial ruin, Rip responds by going off into the woods, instead of back to work. Falling into his famous sleep, he enters the sort of dream world a child might conjure up, wherein Henry Hudson and his shipmates eternally play at nine pins. Forty winks last for twenty years, at which point Rip wakes up and returns home. The American Revolution has taken place in his absence, and a quiet Dutch village is now a noisy American town. Rip is terrified by its unfamiliarity. "Everything's changed," he shouts, "and I'm changed, and I can't tell what's my name, or who I am!" Most terrifying of all to a lazy man is the realization that Dutch somnolence has given way to Yankee hustle. Thus the wide-spreading tree that had formerly shadowed the courtyard of Nicholas Vedder's inn has been replaced by a tall, skinny flagpole, and the inn is in the hands of a bustling entrepreneur named Jonathan Doolittle. Even in this alien world, however, escape is still possible, because by sleeping for twenty years Rip has successfully bypassed the remaining years of his active adulthood. His wife, moreover, who symbolized the hateful responsibilities of work and marriage, has long since died. Taking his place on the bench at the inn door, he idles away his days with an impunity that is usually reserved for infants. By becoming old, Rip in effect has become a child again. He no longer needs to worry about behaving like a man.[5]

Within a generation of its appearance in *The Sketch Book* (1820), "Rip Van Winkle" transcended the realm of fiction and became a part of American folklore. Its childish vision had obviously touched a national nerve. Younger authors, including Richard Henry Dana, Herman Melville, and Ik Marvel, the author of *Reveries of a Bachelor*, now began to act out escapist fantasies as well as to write about them. When Henry Thoreau went to live on the banks of a pond outside Concord, Massachusetts, he, too, was seeking an alternative to the quietly desperate world of work and marriage. In the book he wrote about his experiment, he calls upon us to take him seriously, but almost every episode in *Walden* reveals an astonishing immaturity. His seemingly meticulous budget, for instance, which makes such a fuss about half-penny and quarter-penny expenditures for food and lumber, fails to make any provision for the

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payment of poll taxes, the possibility of catastrophic illness, the cost of a coffin, and other annoyances of adult life.

Thoreau is simply playing house at Walden Pond, yet when he encounters the Irishman John Field, who lives in a leaky shanty with his greasy-faced, bare-breasted wife and their several children, and who ekes out a cruelly marginal existence hoeing the boggy meadows for a neighboring farmer at the rate of ten dollars an acre, he has the nerve to tell the hard-pressed immigrant how to reorder his priorities. In this appalling passage, Thoreau reveals more than just a bachelor's vagueness about the sort of worries that a husband and father would have on his mind; he shows himself to be as innocent as a child:

> I tried to help him with my experience, telling him that he was one of my nearest neighbors, and that I too, who came a-fishing here, and looked like a loafer, was getting my living like himself; that I lived in a tight, light, and clean house, which hardly cost more than the annual rent of such a ruin as his commonly amounts to; and how, if he chose, he might in a month or two build a palace of his own; that I did not use tea, nor coffee, nor butter, nor milk, nor fresh meat, and so did not have to work to get them; again, as I did not work hard, I did not have to eat hard, and it cost me but a trifle for my food. . . . I told him, that as he worked so hard at bogging, he required thick boots and stout clothing, which yet were soon soiled and worn out, but I wore light shoes and thin clothing, which cost not half so much, though he might think that I was dressed like a gentleman (which, however, was not the case), and in an hour or two, without labor, but as recreation, I could, if I wished, catch as many fish as I should want for two days, or earn enough money to support me a week. *If he and his family would live simply, they might all go a-huckleberrying in the summer for their amusement* [italics mine].

One hopes for Thoreau's sake that he was not entirely serious in his advice to Field and that his carefully detailed pseudo-budget was mainly intended as a joke on Benjamin Franklin. There can be no doubt, however, that he meant every word of what he wrote about the correspondences between man and nature. Unfortunately, the correspondences are inexact, and his failure to acknowledge that fact is another sign of his incorrigible puerility. The seasonal metamorphoses described in *Walden* are a means of talking about the triumphant renewal of a human consciousness. What is left unsaid is that the course of the year has also made Thoreau's body twelve months older. Physically speaking, there is a terrifying lack of correspondence between nature's life cycle and man's: one is a circle, the other is an arc. The flesh and blood of an adult human being constitute a decaying, non-renewable organism, but the only sort of physical corruption that Thoreau is prepared to talk about is the mulch on the forest floor out of which slender saplings spring. The miracle of nature's rebirth is his constant substitute for thinking about the tenuousness of his own triumph.

When Thoreau decides to leave the Pond, it is for the announced reason that he has other lives to lead—and for the unannounced reason that if he stays any longer his sense of wonder will begin to fade and his aging body will grow unresponsive. "The sun is but a morning-star"—and novelty is a hypodermic needle. For the narrator of *Walden*, as for other escape artists of his time, life is an endless series of get-aways. Even the cataclysmic saga of *Moby Dick* ends with an "Epilogue" about Ishmael and a coffin life buoy.[6]

The classic American writers in their flight seldom turned back to the society in which their fellow citizens lived. Cooper sometimes did, and so did Melville in

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"Bartleby the Scrivener." But the most important exception to the prevailing escapism was Hawthorne's *Scarlet Letter*. A penetrating study of human relationships, the story not only involves the adulterous principals, but a wronged and eventually vengeance-seeking husband and a disturbingly neurotic child. The novel's setting is social, its perspective is historical, and the moral victory of which it speaks at the end is achieved only through the abandonment of the sort of childish self-love that Thoreau celebrated: "In the lapse of the toilsome, thoughtful, and self-devoted years that made up Hester's life, the scarlet letter ceased to be a stigma which attracted the world's scorn and bitterness, and became a type of something to be sorrowed over, and looked upon with awe, yet with reverence too."[7]

In the later decades of the nineteenth century, the number of writers who were interested in the moral drama of adult relationships increased. The disastrous marriage of Bartley and Marcia Hubbard in Howells's *Modern Instance* climaxes in desertion and culminates in divorce. Mrs. Todd in Sarah Orne Jewett's *Country of the Pointed Firs* remains involved in the life of her community, despite anguishing personal losses. In Kate Chopin's *Awakening*, Edna Pontellier finally rebels against the traditional female role of the dutiful wife.

Even more striking, though, than the psychic maturity of certain books in late-nineteenth-century American literature is the blatant immaturity of many others. For in the wake of the Civil War, the hero who was a child at heart became a child in fact. The process of transformation began with Louisa May Alcott's *Little Men* and *Little Women*, Horatio Alger, Jr.'s *Ragged Dick*, and Thomas Bailey Aldrich's *Story of a Bad Boy*; but it was not until the enormous success of Mark Twain's *Adventures of Tom Sawyer* (1876) that the child hero really came into his own. In the fiction of the eighteen-eighties, twelve-year-olds were difficult to avoid, especially in the weekly and monthly magazines. A decade later, Henry James and Stephen Crane also became interested in child characters. Although *Whilomville Stories* and *What Maisie Knew* are notable books, *The Adventures of Huckleberry Finn* is unquestionably the greatest achievement in this literature—and the most childish. In *Tom Sawyer*, Mark Twain had told the story of a boy in the third-person, literary language of an adult. In *Huckleberry Finn*, however, the author closed the gap between himself and his hero. Man and boy became one, as Mark Twain merged his own viewpoint with Huck's and abandoned literary language in favor of a waif's vernacular.

If the child hero had a rival in popularity in post-Civil War writing, it was the morally spontaneous, intellectually vivacious American girl whom Howells and James delighted in writing about in their early novels and stories. Although half again as old as Mark Twain's heroes, she was by no means an adult. An innocent abroad, she invaded Europe with the intrepidity of Natty Bumppo blazing a wilderness trail or of Tom Sawyer attending his own funeral. Only rarely did Howells and James follow her into marriage, for encumbrances were not her style. She, too, was an escape artist who wanted no limits to be placed upon her. She, too, symbolized the remarkable reluctance of nineteenth-century American writers to implicate their characters in the confining circumstances of adult life.

How can we account for their reluctance? What were the sources of the psychic immaturity that inspired so many childish themes, childish characters, childish points of view? The fact that most of the front-rank writers of nineteenth-century America grew up in families in which the father was either dead, missing, physically crippled, or financially inept suggests the possibility that fears about growing up affected their

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literary imaginations. Yet their perception that their fathers were weak and had somehow let them down was not the only source, or even the main source, of the immaturity of their art. Public events were also in the writers' minds, and their effects were decisive. The childish qualities of nineteenth-century American literature had their origins in the historical circumstances that fostered childishness in an entire civilization.

In the seventeenth and eighteenth centuries, colonial America had been deeply involved in transoceanic affairs. At the same time, the colonists had persevered in the effort to build a society of their own. The paradox of being a part of a world order and yet separate from it proved politically fruitful. The literature of the pre-Revolutionary period expresses the proud realization of the colonists that they had come of age with extraordinary speed. Psychopolitical fables such as Francis Hopkinson's "Pretty Story" recount the history of the British-American relationship in terms of parents and rapidly maturing children; the point of these stories is always that the new imperial policies of George III represented a monstrous attempt to reverse the course of the human life cycle.

After achieving political independence, however, America sought isolation, and an unprecedented innocence settled upon the national mind. We seemed to think that we had seceded from history. International relations were for other people, not for morally immaculate Americans.

Within this secluded mini-world, the frontier beckoned, the economy burgeoned, and the fluidity of American society soon became the envy of the world. Unfortunately, spectacular opportunities also made for anxiety and alienation, especially among the middle-class white males who had the best chances to get ahead. Indeed, for many such men the endless process of competing became a waking nightmare. It took them away from their wives and children, set them in opposition to other men, and stunted their emotional growth. The fluidity of American life also beguiled its psychological victims into thinking that some day they would deal with their unhappiness by pulling up stakes and moving their families to a new location; in a more drastic version, they thought of going alone. Why should they continue to carry intolerable burdens, when they could so easily walk out the door and start life all over again somewhere else? The number of men who actually dropped out of sight in this way will never be known, but statistics are not really the point. It was the example set by the runaways, not their precise number, that counted. For these disappearances lent plausibility to the daydreams of men who stayed home, thereby diminishing their involvement in the only reality they would ever know. On the international level, the secessionist fantasies of nineteenth-century Americans blocked the development of meaningful relations with other nations; on an individual level, they were similarly inhibiting. In both instances, psychic immaturity was the result of an inability to make contact.

Men who were strangers to one another practiced a politics of evasion. From one end of the nineteenth century to the other, Americans relied on the expansion of their society to provide painless solutions to social problems. There was no need to formulate a coherent policy to alleviate the lot of the poor, because upward mobility would automatically take care of most of them and society would be better off if the rest died. The Negro question would go away as soon as the last black buck was shipped off to the Caribbean—or would Africa be better, as Lincoln insisted? The superficiality of such ideas was breathtaking, but surely the most jejeune of them

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all was the claim of Northern abolitionists and Southern secessionists alike that the question of sectional antagonism could be answered by dissolving the Union.

To a degree—but only to a degree—the best writers of the century stood apart from their countrymen and from the characters in their own books. Melville, for instance, was keenly conscious of the unformed quality of the national character. At the end of his career, he presented an unforgettable portrait of American innocence in the person of Billy Budd—handsome as a baby, stutteringly inarticulate, and unable to express his anger except with a mortal blow. The author of *Typee* also knew that the dream of escaping one's own past was unattainable inasmuch as one can never escape from oneself. Other writers contributed other insights into the national enthusiasm for avoiding problems rather than confronting them. The symbolic Americans in Poe's stories have not found security in their withdrawal from the world; on the contrary, they are men at bay, who are scared to death of the nameless horrors that have breached their sanctuaries. Even the sanctuary of childhood was vulnerable, as Mark Twain showed. For the mood of recaptured delight never lasts in his stories: Huck's raft gets smashed, Nigger Jim disappears, and the trip down the river turns into a nightmare. As for painless solutions to social questions, Hawthorne's satirical account of the utopian community at Blithedale effectively punctured at least one secessionist bubble.

Yet the leading writers of nineteenth-century America were not so much the critics as the creatures of their civilization. From the yearnings of Washington Irving to lose himself in a land of dreams to Henry James's expatriation, their secessionist fantasies were only variations on a national theme, and emotional detachment from the world around them had as crippling an effect on their personalities as on their countrymen's. To discover as much meaning in family life as Tolstoi did, or to implicate their characters in social settings to the extent that Balzac and Zola did, was simply beyond the psychic capacity of the American writer. Henry James, for instance, not only failed in his Balzacian ambition to become the secretary of American society, but he experienced extreme difficulty in dramatizing relationships between individuals. Thus in *The Portrait of a Lady* he reduced the married life of Gilbert Osmond and Isabel Archer to a series of frozen postures that are even more devoid of human reality than Cooper's portrait of Natty Bumppo as an old man, and his attempt to persuade us that Isabel really cares for Osmond's young daughter is literary fakery, nothing more.

Working within a narrow range of experience, a half-dozen minor writers of the period showed a much more consistent willingness to confront the ordinary problems of adulthood than the major writers did. The fact that most of these writers were women is striking, but not hard to understand. It was, after all, much more difficult for women than for men in nineteenth-century America to convince themselves that some day they would throw over their responsibilities and walk out, slamming the door behind them. Women had fewer rights, fewer opportunities, fewer choices of any sort than men did. Family life and community life enveloped them; perforce, they stayed put, while the whole world celebrated the freedom and openness of American society. Their situation may have been frustrating and often depressing, but it seems to have saved many of them from the prevailing immaturity of their times. If literature is a reflection of life, then nineteenth-century American women were markedly more "adult" than their men, as Hawthorne suggested when he contrasted Hester Prynne's behavior with the Reverend Mr. Dimmesdale's.

The serious female writers who emerged in the middle and later decades of the

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century—I am thinking not only of Kate Chopin and Sarah Orne Jewett, whom I have already mentioned, but of Harriet Beecher Stowe and Mary Wilkins Freeman—did not traffic in the disappearing acts that are a childish literature's stock in trade. Instead, they involved their characters in webs of social circumstance and watched them struggle. In bits and pieces, a drastically incomplete, but nevertheless significant, picture of adult life emerged from their books. Eventually Willa Cather would model her pioneer heroines on the indomitable women whom Stowe and Jewett had portrayed, and Edith Wharton would amplify the theme of female entrapment that Chopin had adumbrated in *The Awakening*.

At the end of the eighteen-nineties, Theodore Dreiser also began to deal with adult themes. The first American novelist of any significance who had neither a middle-class nor an "old American" background, Dreiser looked at life from a much more skeptical perspective than his predecessors had. But *Sister Carrie* (1900) was not merely a personal testament. It also reflected the disillusioning events of the decade in which it was conceived. For a hundred years, citizens of the United States had cherished assumptions about the opportunities their society provided, but in the nineties those assumptions were suddenly called into question by a number of stunning developments, the most notable of which were the disappearance of the frontier, the rise of the trusts, and the outbreak of a series of bloody industrial strikes. The publication of *Sister Carrie* marked the beginning of a new theme in American literature—modern society was a trap from which no one, male or female, could possibly escape. Through the bitter story of George Hurstwood, the Chicago saloon manager, who at the outset of the novel dazzles the inexperienced Carrie Meeber with his suavity and his success, but whose life ends in suicide in a Bowery flophouse, Dreiser provided a vision of modern American adulthood that Saul Bellow's Herzog might very well have had in mind when he was musing about the subject some sixty years later:

> Well, for instance, what it means to be a man. In a city. In transition. In a mass. Transformed by science. Under organized power. Subject to tremendous controls. In a condition caused by mechanization. . . . In a society that was no community and devalued the person. Owing to the multiplied power of numbers which made the self negligible.[8]

Nevertheless, the immaturity of American literature did not end with Dreiser's massive assault upon it. The child hero, to be sure, did not last much beyond Booth Tarkington's *Penrod* (1914), but his place was soon taken by the sad-faced post-adolescents of *The Sun Also Rises* and *The Great Gatsby*. The concept of adolescence had been formalized by G. Stanley Hall in 1904, and Hemingway and Fitzgerald had come of age (which is different from growing up) in an America that had fallen in love with a new view of the human life cycle. The Census Bureau may have announced in 1890 that the nation no longer had a frontier, but the old American dream of escaping from reality was not dead, after all. The escape routes that "nature's nation" no longer offered would now be supplied through human nature. By the nineteen-twenties, Stanley Hall's soberly scientific insistence that we pay attention to the "storm and stress" of adolescence had been transmogrified in the popular mind into a cult of youth.

Hall had warned that adolescence was a waiting period that must not be arbitrarily foreshortened; it should be allowed, he said, to run its full natural course.

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But Hemingway and Fitzgerald carried this further: in their early work they revealed that the waiting period could be prolonged more or less indefinitely. This revelation appealed not only to readers of their own age, but to somewhat younger readers as well. Just as the emotionally childish works of Cooper's generation were appropriated by twelve-year-olds, so the emotionally adolescent stories of Hemingway and Fitzgerald were quickly picked up by high-school and college students; since the paperback revolution of the early nineteen-fifties, in fact, youthful readers have almost surely been their most important constituency.

For teen-age Americans, reading Hemingway has become a kind of initiation rite. How to make out in a sleeping bag or a gondola or simply under the trees by a Michigan lake; what to order when you go to the Brasserie Lipp (try the *pommes à l'huile*), and where you should try to get seated; why a twenty-to-one martini is called a Montgomery, and who used to make the best daiquiris in Havana: his books contain the answers to all sorts of questions like these, and the more money the neophyte reader has in his pocket, the more helpful Hemingway becomes. What salesman at Abercrombie's, after all, can tell you that you not only want a .256 Mannlicher Shoenauer, but you want the kind with the eighteen-inch barrel that the stores are not allowed to sell any more? There is, alas, a certain justice in the fact that a hot-dog skier from Sun Valley has been able to parlay her grandfather's name into a million-dollar advertising deal and a well-publicized liaison with a hamburger king. In the age of consumership, and of the youth culture that dominates it, a Hemingway endorsement sells the product.

The recent film version of *The Great Gatsby* led to tie-in sales of "Gatsby white" men's suits and kitchenware. Yet Fitzgerald's adolescent fantasies were far less tangible than Hemingway's. Like the hero of his novel, he did not believe in fancy shirts so much as he did in the masturbatory dreams they symbolized. It is Daisy's voice, not Daisy herself, that holds the dreamer. The song she sings is sad, though, for at three o'clock in the morning the party is almost over and the magic of youth is fading. Gatsby, Nick Carraway, and Tom Buchanan have all turned thirty, and *it is a terrible thing*. A youth-worshiping civilization had already decided that thirty was not a particularly happy birthday, but Fitzgerald elevated it into a major crisis. All the insistent power of his romanticism was brought to bear on the subject, until an utterly sophomoric idea became a national obsession. We shall never be able to count the times that psychoanalysts have had to listen to the anguished confession, "I am no longer in my twenties!," but we do know that in the nineteen-sixties a generation of college students who had been raised on paperback copies of *The Great Gatsby* made their refusal to trust anyone over thirty a battle cry. How many novelists, in any age in any country, can claim to have influenced an entire nation's perception of the life cycle?

The Fitzgerald hero's conception of himself as not only beautiful but damned has become an idea that many college students entertain about themselves. Making a separate peace in the manner of Frederic Henry in *A Farewell to Arms* is the recurrent dream of prep-school boys, as J. D. Salinger and other witnesses have testified. While the appeal to youth of Hemingway and Fitzgerald is perennial, they themselves eventually discovered that their fantasies were unlivable. At some point in their work, consequently, the mood suddenly shifts, and we come upon a different sort of hero. He has gangrene in his leg, a hangover that will not go away, and an oppressive sense that he has wasted time. Although he talks a lot about himself, there is a significant vacancy at the center of his story, for he has moved directly from over-aged

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adolescence to middle-aged crack-up without ever having been mature. Despite its flashbacks, *Tender is the Night* gives us no real sense of why Dick Diver decided to go to medical school, or of the long effort that presumably went into the making of his professional reputation; the only thing the novel makes us believe in is Dick's disintegration, the principal symbol of which is the loss of his youthful ability to perform athletic tricks.

Hemingway tells us even less about the background of Thomas Hudson. Near the end of *Islands in the Stream*, Hudson nostalgically recalls his "time of innocence" in Paris, when he was starting out as a painter, but the story of how a young man actually fulfilled his artistic promise is a subject about which we learn nothing first-hand. Dreiser could portray a man at the height of his powers, and he did so again and again in the early chapters of *Sister Carrie*, in *Jennie Gerhardt*, in *The Financier*, and in *The Titan*, but Hemingway could not. In *Islands in the Stream*, all he can show us is a death-haunted alcoholic who likes boats and guns and who finally is hit in the crotch with "three chickenshit bullets" that "fuck good painting and prove nothing.[9]

Dreiser, on the one hand, versus Hemingway and Fitzgerald, on the other: American literature in the early twentieth century was torn between a willingness to confront "what it means to be a man" and a desire to postpone that confrontation as long as possible. This tension continues. It is as if an adult principle and an adolescent principle were locked in a Manichaean struggle for possession of our literary souls. The struggle vacillates back and forth, with some authors even divided against themselves—Saul Bellow, for example, who scorns "the cheap mental stimulants of Alienation, the cant and rant of pipsqueaks about Inauthenticity and Forlornness," but can't break free of them in his own books for more than two chapters at a time.[10] Yet, for all its inconclusiveness, the struggle has a pattern. The adult principle certainly seems to have had the upper hand in the nineteen-thirties, when Faulkner and Steinbeck were doing their finest work, whereas in the nineteen-sixties, when Kurt Vonnegut, Jr., was presiding over the greening of America and Norman Mailer was substituting unzippered exposures of himself for the novels he could not write, the adolescent principle was once more in the ascendancy. These psychic shifts are not accidental, but are related to historical events. Just as *Sister Carrie* emerged out of a socially upsetting decade, so *Absalom, Absalom!* and *The Grapes of Wrath* were products of the Great Depression; conversely, Vonnegut became a cult figure, as Fitzgerald had before him, in an age of unprecedented prosperity.

In the mid-nineteen-seventies, the mood of the nation has darkened again. One has the sense that the United States—indeed, the whole world—is waiting, waiting, waiting for catastrophe. As our fear deepens, we turn to history and to family life, as Faulkner and Steinbeck did, and watch *Upstairs, Downstairs* on the tube. Even Jerry Rubin has published a book called *Growing (Up) at Thirty-Seven*. But, as his parentheses indicate, the erstwhile clown-prince of the sixties is still not sure whether he is joking or not. In any event, American literature is not likely to become completely serious until, in Kierkegaard's words, we have known hell through and through.

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on young children. A similarly mixed situation existed on the Continent. Only in America did all the major writers of fiction command the attention of juvenile as well as adult readers.

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ROGER ROSENBLATT

Growing Up on Television

ADULTHOOD ON AMERICAN TELEVISION IS REPRESENTED most often and most clearly on family shows. These continuing stories about the adventures of families became popular in the fifties and have grown more so since (I can count thirty-five). Most have been light comedies (*The Stu Erwin Show*, *The Life of Reilly*, *Life with Father*, *Make Room for Daddy*, *Father Knows Best*, *Ozzie and Harriet*) or farces (*The Munsters*, *The Addams Family*). A few have been gentle melodramas (*One Man's Family*, *The Waltons*, *Little House on the Prairie*). Fewer still, such as *All in the Family* and *The Jeffersons*—comedies essentially—have reached for a deeper nature by dealing with real conflicts. The titles of these shows have generally shifted from a father-centered conception of the family to a community operation, but that, I think, represents social appeasement more than genuine change. In fact, the television family has been an unusually consistent institution, far more stable than its real-life counterpart.

One reason for this stability is that families on television are not families with special coherences; they consist of interchangeable parts. Family members share the same surnames, live in the same house or apartment, or, more specifically, the same combination living room and kitchen, and they hang around together and recognize each other. Ordinarily families consist of one father, one mother, and some children who confront problems of the magnitude of surprise parties, garbled telegrams, overcooked chickens, high-school proms, and driving lessons. We could trade the mother of the Andersons on *Father Knows Best* for the mother of the Waltons without ruffling the chickens.

Since the family arrangement is so basic to television we could even exchange certain family members with characters on non-family shows. The relationships among the detectives on *Hawaii Five-O* or the paramedics on *Emergency* are no less familial than those among the *Partridge Family* members or those in *Family Affair*. If Kojak were to marry Mary Tyler Moore and raise the Brady Bunch, we would still get the same conception of problems and solutions as each holds alone: every week Kojak, Mary, and the children would rid Minneapolis of ethnic abuses.

That conception of problems and solutions follows the same formula for all family shows: a problem is made evident within the first three minutes, usually as a result of some new direction or decision of the family (a picnic, a new car); one by one, the family becomes aware of the problem so that each member can adopt the characteristic stance which he or she adopts for all occasions; the problem then serves as a catalyst for the individual performances that occupy the rest of the show; the problem is "solved," gotten rid of, at the wire by means of a telephone call or some other *deus ex*

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machina. The show ends with everybody laughing. (Detective shows use much the same formula, incidentally, substituting murders for picnics and stool pigeons for the *deus*.)

In so standardized a situation it would be hard to pick out the grown-ups were it not for certain allegorical assignments. When a problem strikes *Father Knows Best*, for example, the family arranges itself around it, responding as humors: Jim is Recalcitrant Wisdom, sought only (yet always sought eventually) as a last resort; his wife Margaret is Anxiety; elder daughter Betty is Panic or Extreme Emotion; her brother Bud, Dullness; and little Cathy is Childlike Sensitivity, providing an unspoiled account and "special" perception of the problem as it develops. On *All in the Family* the Bunkers' childishness and panic reside in the father; therefore, when a problem (abortion, death, racism) hits the Bunkers, the mental process of dealing with it begins out of control in the one member of the family who is supposed to represent order and authority. Thanks to Edith, whose constitutional bewilderment serves as Right Instinct, things eventually calm down on *All in the Family*, but are rarely resolved or set straight. A bunker is a bulwark, a fortification; problems attack the Bunkers at a terrific rate, but ricochet just as quickly, denting nothing.

Jim Anderson and Archie Bunker seem very different kinds of adults, and in more than stylistic ways they are. It is better to dwell in the palace of wisdom than panic, and so better to see Anderson as a model of adulthood than Bunker. Curiously, however, neither father is necessarily identifiable as an adult. In fact nobody in the allegorical arrangements of TV families is identifiable as a child or adult except by physical size, dress, and age. Experience, one thing that might effect such identification is not called upon. Anderson's wisdom usually does not derive from experience but from in-born perspicacity. Bunker's terrors rarely result from experience, but burst upon a problem as if one like it had never been seen before. There are more wise than panicky grown-ups on family shows, but they simply function as the wisest minds in groups of contemporaries. Their wisdom is separable from their adulthood, and so says nothing for adulthood generally, suggests no particular advantage to growing up.

This, I believe, is one of the ideas that television has about adulthood—that adulthood is, may be, perhaps should be, unconnected to experience, and exists as an admirable state of mind (when shown as admirable) insofar as it exhibits the most general virtues. Experience is not evil, merely unnecessary for growing up, and thus memory, the medium of experience, is unusable. If this proves true, then what appears to be an expression of approval or encouragement on television's part, in usually assigning wisdom to grown-ups, may in fact be the opposite; because to praise something in terms applied to many things is to exaggerate the possibility that those same terms fit other things more appropriately, leaving the original object peculiarly vulnerable by comparison. The question ought to be raised here, however, as to whether there *are* such things as ideas in television; or are the notions we pick out merely ephemera tied to commercial interests, which vary with those interests?

Because it emerges from a single history, because nearly all its parts, at least on commercial television, operate on the same standards of success (sponsors, ratings), because its technical methods are the same for all stations and what variety exists within broadcast companies is still the same variety for all such companies; because it appeals to and reaches the same audience in relatively similar situations, and because its opinion of that audience is continuous and stable, television must, I think, be

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regarded as a world *in toto*. That is, whatever differences in tone or invention there are among situation comedies, mysteries, quiz shows, talk shows, et al., none of these "genres" is basically separable from the others. Among all are the samenesses of the medium fed by every show's active awareness of every other show. They function alertly in William James's systemic universe: cooperate, reinforce themselves, create, sustain, and eventually proselytize for a single vision of most things.

Adulthood, then, as one of the ideas set forth by television, is not presented solely in one type of show, but in all types, even—perhaps particularly—in shows that have nothing to say about grown-ups, but simply show them in action. Quiz shows, for example, usually have grown-ups playing what appear to be the simplest kinds of children's games, which range from pie-tossing (*People Are Funny*) and bedroom olympics (*Beat the Clock*) to versions of spelling and math bees on shows that test contestants on information. (*It Pays to Be Ignorant*, both a radio and TV show, was an interesting perversion of these information quizzes.) Yet adults are not, in fact, behaving as children on these shows, nor are the shows trying to bring out the child in them. The quiz show takes grown-ups as they are, and takes them seriously. Having detected certain weaknesses in our conception of adulthood, which sometimes means our self-esteem, it goes to work on them.

Let's Make A Deal is the most popular American quiz show, and probably the most sinister. Its audience is divided into two sections. There is the regular audience, and in front of it, in a roped off portion, is the participating audience, would-be contestants who have come dressed as animals or in other outlandish costumes and who forcefully vie for the attention of the master of ceremonies. The master of ceremonies patrols the aisle, choosing players at random. Only a few can participate, so every person in costume continually screams and flails his arms in order to attract the emcee as he makes his selections. Those whom he chooses to "deal" with can barely contain their excitement and have to be forcibly quieted before the show can continue.

What the master of ceremonies offers these people is a choice between unknowns. He tells somebody dressed as Mother Goose, for instance, that he may have whatever is in this box (which a professionally delighted assistant produces) or whatever is behind that curtain (to be drawn apart by a long-legged girl). The contestant is baffled, but he chooses the box. Before he has a chance to open it, however, the master of ceremonies says, I'll give you five hundred dollars for whatever is in that box. The contestant hesitates. Six hundred. The regular audience shouts, "keep it!," "sell!" Seven-fifty. The contestant decides to keep the box. When the lid is lifted there may be jewelry on display worth two thousand dollars, and the contestant howls and whoops. If the contestant is a woman, she flings her arms around the emcee's neck and kisses him powerfully. A man usually jumps up and down like a great cartoon frog. Or, there may be a sandwich in the box, whereupon everybody guffaws and the contestant collapses in disappointment. Sometimes there is a live animal behind one of the curtains, and, as the audience roars, a look of genuine terror comes into the contestant's eyes as he or she not only deals with the despair of losing, but with the possibility of taking home a pig or a mule.

The excitement of the show derives not from the price or size of the prizes available, but from the act of depriving people of their ability to make informed decisions, in other words, to reason. To deprive them of their sanity at the outset, the show's producers insist that the contestants disguise their actual appearances in order

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to qualify for losing their reason. When the "deals" are presented, there is nothing for these people to go on but bare intuition, tortured and prodded by the rest of the audience shouting "the curtain," "the box," "the money." In the center of the mayhem, controlling it, is the master of ceremonies, offering people money for things which they cannot know the value of, things which they cannot see, distributing punishments and rewards as capriciously as the devil he is.

What *Let's Make A Deal* does for, or to, the reasoning process, a new quiz show, *The Neighbors*, does for civility. *The Neighbors* enlists five participants, all women, who live in the same neighborhood and know each other very well. These women are seated in rows, three over two. The two are the principal contestants, but all five get into the act. They are positioned on a white fake-filigreed porch. The floor is green, to suggest a village sward, and hedges and potted geraniums are placed about to suggest a quiet suburban neighborhood.

As with *Let's Make A Deal*, the audience is in constant frenzy, here not goaded by the emcee who affects the studied quiet of a sermonette preacher (and in fact plays the role of a trouble-making parson), but by the questions he puts. We asked your neighbors, he tells the two principals, which one of you wears short shorts in the neighborhood to attract other women's husbands? A collective gasp and false hilarity are followed by each of the pair guessing that the majority of the three neighbors picked herself or the other one, justifying her guesses either in terms of the character deficiencies of the other principal or the maliciousness of the three neighbors. If a woman guesses herself and is right, she "wins" and is mortified. In the process, at least one of the principals will insult at least one of the three in the upper row. The game continues.

In the second stage of the show, the emcee tells the two principals that one of their neighbors has said something vicious about them, and they must try to guess who. Each of the three neighbors now competes to convince first one and then the other of the principals that it was *she* who made the slur. They do this by revealing secrets or confidences which until that moment on national television were shared only with the contestant in question. Each neighbor is encouraged by the fifty dollars she will receive if one of the principals picks her incorrectly. At various intervals in the program, prizes have been mentioned—such as large supplies of La Choy Chinese food and four gallons of paint—that will go to all the contestants. But what the emcee calls "the fantastic grand prize" will not be revealed until the end. As in the first stage of the show, the principals justify their guesses of one of the three neighbors by emphasizing that particular one's unsavoriness, but they will also cover their bets by generalizing unfavorably on the trio as a whole.

Stage three of the show has the emcee tell the principals that all three of the neighbors are unanimous in the opinion that they are . . . and here the comments incorporate vanity, spite, noseyness, selfishness, ungratefulness, corpulence, snobbery, and so forth. Here finally is the full weight of their neighbors' judgments. The two principals guess themselves or each other as the insults are enumerated, the prize money increasing with each question. Eventually one wins the grand prize—a kitchen—and the five neighbors, having destroyed their neighborhood, meet for a good hard hug as the show ends.

Civility, which is a grown-up attribute, is deliberately undermined on *The Neighbors*, as indeed it is on other quiz shows and other shows generally on television. Reason is undermined on *Let's Make A Deal* and elsewhere. Memory and experience

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are undermined on family shows. And the total effect of all such underminings is the undermining of authority, which may be the central adult attribute. Oddly, the only voices of authority undisputed within television are the newsmen—oddly, because they are often the voices least trusted by us. Yet even on the news there is a certain undermining of adulthood, not by overt derision, but by the general cultural theater in which almost all news programs participate.

There are no more grown-up-looking or -sounding people on television than newscasters. John Chancellor, David Brinkley, Walter Cronkite, Howard K. Smith, Harry Reasoner—all are about as adult, in the theatrical sense, as one can get: clear and forceful in presentation; well barbered and tailored in appearance; deliberate and settled in manner; non-panicky in tone; emotionally stable almost, but not quite, to a fault. In these terms, if Eric Sevareid were any more grown-up, he would have to deliver his speculations from Shangri-la, and he may yet. These people have nothing quite so much in common with anything as with each other. Differences among them are detectable, to be sure, but television does not seek to point out their differences, certainly not to elaborate on them, because it has decided that we do not simply expect the news of the news, but the world of news as well, a nightly *Front Page*.

We have two distinct yet cooperative images of newsmen in our culture, images established and reinforced in the movies more than anywhere else. One is the adventurous reporter—hatted, trench-coated, either hard-drinking and -loving (to be played by James Cagney) or belligerently innocent, awkward yet cocky, seeking only the whole truth (to be played by Joel McCrea—or now is it Robert Redford?); contemptuous of money, pure of motive, defender of underdogs—the discoverer, a man who dares to go where no one else has been permitted, or has thought, to go before. His editor is the other image: snorting, stomping, wild yet established, the authority (hirer and firer) on which the reporter depends, at once romantic, envisioning scoops and stopping the presses, and suspicious or afraid of the truth as well—unlike his colleagues, he has come to believe in City Hall and political realities. In the end, nevertheless, he is as one with his reporter-antagonist as they collaborate to set history right for a moment. Afterwards, we trust, they revert to their separate barkings and ravings.

In television these two images combine into a single character—both Perry White and Superman—who is a sort of polished version of each of his contributive actors. Often he is positioned in a simulated newsroom lined with desks at which simulated reporters sit, busy with simulated copy. As he talks, people walk on and off the set carrying messages and bulletins. Typewriters clatter in the background. The newscaster appears to have just looked up from his desk in order to tell the latest story. Or, as with Chancellor, one only senses the background activity. The newscaster is trusted by his reporter-colleagues—they report in before our eyes, courteous and efficient. We feel that they feel that the newscaster is one of them, the grounded former ace. He is also the editor, directing the sequence of presentations. No antagonism here; no hysterics or passion either. The newscaster has been neutralized into a model of both decorum and sensibility (to be played by Frederick March).

The effect of this deliberate theatricality is to separate the news from the character who speaks it. Whatever we may think of the content or order of the newscaster's presentations, he remains in the clear, which of course allows him longevity in his position. Yet the clear in which he remains, bright and mellow as it is, is not adulthood in real or ideal terms, because adulthood is not a form of play-acting in

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which a man is dissociated from his words—quite the opposite. So even here, with newscasters looking and sounding as grown up as can be, adulthood is misrepresented as a pose, a set of trappings through which information may be conveyed without concern for integrity or emotional and intellectual responsibility. (This is not to say that Chancellor, Cronkite, et al., are without thoughts or feelings about the news; only that the mold they fill makes their minds impertinent.) The result, curiously, is that television newsmen have come to represent not a celebration of stature, another adult attribute, but a mockery of it.

More curiously, the only place on television where some of the attributes of adulthood, or ideal adulthood, are realized—helpfulness, guidance, gentleness, self-sacrifice—are on children's shows. Saturday-morning cartoons generally recreate the old chase-and-miss mayhem of movie cartoons; even today Tweety-Bird and Road Runner still watch their pursuers rolled like dough under boulders. And there are other "adventure" cartoons that merely make cartoons of the real shows on television (a gratuitous art). But *Sesame Street*, *Captain Kangaroo*, and *Mr. Rogers* do in fact show adults behaving thoughtfully and compassionately, often creatively. The trouble, of course, is that the adults on these shows are depicted either as wise oversized children or as those living their lives solely *for* children, or both. No child measures his parents by the adults on these programs because no parent spends his day as Mr. Rogers does, except Mr. Rogers.

Where television invents its characters and situations, adulthood is chided, scoffed at, ignored, by-passed, and occasionally obliterated. What could be the purpose (assuming there is one) of these underminings? Not satire, certainly—the destruction is too scattergun, and there is no moral position or corrective imagination behind it. In many ways the depiction of adulthood seems merely the revenge of a peevish child, albeit a Gargantuan one: a free-wheeling diminution of adult stature for a laugh or for the hell of it. If there is a scheme here, it need not be intentional. As one instrument of popular culture, television contains the properties of popular culture as a whole, and its collective attitude toward anything may be grounded in the general ways in which popular culture works.

Conventional wisdom has it that contemporary life changes so rapidly that we are unable both to see its shapes and to apply standards of value to the whole or its parts. Since popular culture carries the signs of the times, people who exclaim over the transitoriness or shakiness of modern man ordinarily use elements of popular culture as referents. Look closely, however, and the signs read differently. Rather than disowning the past (history and traditions), popular culture persistently resurrects and reinforces it. But it works by sleight of hand. It operates on two levels of tradition simultaneously, and it uses one to cover the other and, in many ways and for some important reasons, to disguise its existence.

The more obvious level of tradition in popular culture is the one it creates for itself. This is tradition born of mounting conventions. In television, for example, it takes shape by building program upon program, format upon format, character role upon character role, situation upon situation down to things as small as lines of dialogue and gestures—all continually repeating themselves as soon as a certain receptivity on our part has been perceived. All forms of "newness" and "change" rely upon these conventions both as the standard against which their apparent novelty may be measured and as the future repository for our quick assimilations. The "new" becomes the "old" in a flash, as it also becomes part of, and strengthens, this level of tradition.

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This process of assimilation, seen by some observers as genuine change, is like fast-falling rain which creates its own water surface on the ground. It is *not* the ground but a *surface on* the ground. We, in turn, move like cars in a rainstorm on that surface, at a high speed often determined by the rain itself. The surface tradition built by popular culture, because it is ephemeral in its parts, only exists as a total body by means of the rapidity of additional elements, reinforcements, to it. This tradition is formed not necessarily by merit on objective standards of excellence (although it may be so), but by repetition.

Advertising on television uses this sort of repetition not only to sell products, but also to sell people selling products. Actors who perform in commercials very often perform in regular programs as well, and in similar roles—the know-it-all mother on the situation comedy *Rhoda* pushes Bounty paper towels; the authoritative "professional dishwasher" who advocates Ajax liquid once had his own detective series. The effect of these interchanges is to turn the actor himself into a product that becomes as familiar as the thing he hawks. The mere sight of him in any context elicits visions of clean counters and shiny dishes and, naturally, sustains a terrifyingly smooth transition between advertising and programming.

While this is happening, we are told that it is not. Instead, we are assured that everything presented to us by various media is new and startling, to which announcements we willingly suspend disbelief. The reason we are told that everything is new is simple: those formats or character roles of which we recently grew tired may easily be refurbished, and we, seeing them again and again, may have our powers of discrimination worn down accordingly. Why we suspend disbelief, however, is a much deeper problem. Part of the answer, I believe, lies in the fact that popular culture makes us just as happy as we wish to be, no more, no less. The other part is our abhorrence, perhaps fear, of making connections generally, which allows us to go along with, and in some instances to become, those who tell us "there's a new you coming every day."

This abhorrence or, at the least, avoidance is at the heart of the second and darker level at which popular culture operates. This level of tradition is real tradition—those elements of American factual and intellectual history that encouraged and permitted our start as a nation and that have both dogged and inspired us since. Our history—the significant part of it—resides in popular culture, often confused and jumbled, often hiding like the purloined letter, nevertheless coming through with the inevitability of fate in the classics. It comes through with particular clarity on television and with particularly particular clarity on the subject of adulthood.

I believe the belittling of adulthood on television is no different at base from Emerson's decision to shuck the courtly muses of Europe. It derives from a wish for improbable freedom in the name of some higher, if indeterminable, virtue. "Abstract liberty, like other mere abstractions, is not to be found," said Burke. But Burke did not imagine a world so dominated by the expression of abstractions that the abstractions could develop their own symbolic logic, and rapidly become the definitions of themselves.

To be without memory, reason, civility, stature, and authority sounds like a wish for savagery. In fact, it may turn out to be so, though it is unlikely that television consciously promotes such a wish. There is, however, a state of mind that falls short of savagery, which simulates a dream state, where all freedoms associated with savagery flourish without histrionics. We have no name for this state, for it did not exist before television and still does not exist outside it. But, whatever its name, it is a

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state of freedom—apolitical, though it admits politics, asocial, though it depends on social life—a celebration of pure irresponsibility.

In many ways, television is the medium of irresponsibility, which is why the idea of adulthood within television is a contradiction in terms. The medium itself allows freedoms that no other medium will; it doesn't hold us like the theater or movies: we can place it where we choose, we can eat, do push-ups, answer the door. We are free to spin the channels, free to take or leave it. In turn, it shows us freedoms never won before—tapes and repeats that play havoc with time and sequential actions, with order and the idea of order. Of course these freedoms are illusory, but that doesn't seem to lessen our interest in them. Television is so far the only medium to take us out of history, making paltry such nuisances as original sin.

"Grow up!" as an imperative means "behave and control yourself": understand your limitations and be reasonable and civil accordingly. One does not grow up on television. It is not in television's commercial interests to have one do so, because a free-floating mind is more apt to buy large quantities of La Choy Chinese food. But we are complicit in this as well, having found and tacitly urged on television a strange answer to our wildest dream. The question, how free can you be?, which bestrides the democracy as does no other, is in television rhetorical.

You *can* yell fire in a crowded television set. You can do anything you please. Adults are interchangeable and lack the virtues of adulthood, and soap operas rely on perpetually changing characters and circumstances. New series every season, new logos for networks. All this for us, as we sit alone in our separate houses dazzled by the freedoms within the medium and the ferocious self-reliance *of* the medium. Our memories go, too, for the experience of television is itself unmemorable.

As for the ever-recurrent question of influence, it is hard to tell what these images do. I seriously doubt that watching panicky or wise adults on television will make children grow one way or the other, or that seeing adults forfeit sense and manners will cause children to do likewise. But what of these fierce freedoms: the message continually sent, dot by dot, that a person needs no one but himself in this world and no other person needs him? What of the message of the box? Every night in America the doors lock, the screens glow bright, and man sits down to see how free he can be. Nothing will disturb him, if he can help it. He is a grown-up, after all, and has earned his independence.

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JOSEPH GOLDSTEIN

On Being Adult and Being An Adult in Secular Law

"ADULT," UNLIKE "CHILD," IS A WORD infrequently used in secular law. This may be because laws, after all, are written by adults with adults in mind. The law initially establishes for all persons—adult and child—general rights, obligations, and prohibitions. It then carves out for children certain disabilities and privileges, including the special responsibility of those adults who are parents to care for their children and to safeguard the right of each child to become an adult. Thus, law defines an adult primarily by implication: its meaning is determined by the general exceptions provided for the non-adult—the infant, the minor, the juvenile, and the unemancipated person.

Unlike the biological and psychological sciences and the "legal" systems of the great religions discussed in a previous issue of this journal, a secular legal system does not establish an ideal model for being or becoming adult. Secular law does not define "adult," rather it makes a general determination of who is to be recognized by the state as "an adult" as opposed to "a child" person. In its pure form, secular law limits itself—limits the state—to fixing minimum standards for acquiring and maintaining the status of an adult. A secular legal system, for example, does not establish rules for child-rearing to accord with some particular religious or scientific ideal. It presumes the capacity and recognizes the authority of adults to act as parents for their children in accordance with their own individual beliefs, preferences, and values. It requires only that parents meet minimal standards of child care that are negatively set in neglect, abuse, and abandonment statutes and affirmatively set in such provisions as those obligating parents to send their children to school, to keep them out of the labor market, and to have them vaccinated against smallpox. Similarly, a secular system's code of crimes holds all adult persons to minimal standards of conduct and thereby establishes wide boundaries within which each adult in law can give meaning to his own notions of being and becoming adult. The criminal law does not hold persons to the highest ethical or moral standards, nor does it compel them to be generous, kind, completely honest, or, as some might say, "adult," in their relationships with others. Rather a secular criminal law limits itself to setting standards below which no person can go without jeopardizing the free and peaceful pursuit of private and public interests which government, through law, is designed to safeguard.

To be "an adult" in the eyes of secular law, then, is not to be confused or equated with "being adult" in one's own eyes or in the eyes of one's family, teachers, friends, or of some religion, culture, science, ethic, philosophy or any combination of these or other sources of what to be adult "should" mean. With this distinction between "an

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adult" and "being adult," this essay examines the interrelated processes in secular law for determining what persons are to be recognized as adults and within what boundaries such persons are to be free of coercive state intervention to pursue their own individual notions of adulthood.

The Secularity of Law

Bound by a Constitution that separates church and, less clearly, science from the state, secular law is precluded from proscribing or prescribing the theories of adulthood of any particular religious, scientific, or other school. With a fundamental law that protects the right of all persons to freedom of belief, of speech, and of inquiry comes a tradition of governmental protection for each person to determine in his own way, whether it be religious, cultural, scientific, or otherwise, how to become and be adult. But secular law is never purely secular. Law, particularly that related to crime and marriage, for example, is not yet free of the vestiges of the colonial period when the settlers "equated crime with sin and thought of the state as the arm of God on earth."[1]

The notion of the separation of state and science or any other possible source of dogma does not have, as does the separation of state and church, explicit roots in the Constitution. Yet it is not implausible to suggest that the freedom of speech and religion clauses of the First Amendment would prohibit establishment by the state, in Lysenko-like fashion, of any single scientific theory, doctrine, or dogma as to what it means to be "adult," "mature," "wise," or "ethical." In *Epperson v. Arkansas*, the Supreme Court declared unconstitutional a statute which prohibited (because of a conflict with a particular religious interpretation of the Book of Genesis) the teaching in public schools and universities of Darwin's theory of evolution.[2] If the words "science" and "scientific" are substituted for, or added to, the italicized words "religion" and "religious" in the following paragraph from the Court's opinion, it becomes apparent that the notion of the separation of science and state is compatible with the purposes of the First Amendment:

> Government in our democracy, state and national, must be neutral in matters of *religious* theory, doctrine, and practice. It may not be hostile to any *religion* or to the advocacy of no-*religion*; and it may not aid, foster, or promote one *religion* or *religious* theory against another or even against the militant opposite. The First Amendment mandates governmental neutrality between *religion* and *religion*, and between *religion* and non-*religion*.[3]

It is not far-fetched to read "non-religion" and "militant opposite" to include the sciences and thus to entitle them to the neutrality that secular law guarantees to the religions.[4] Indeed, science may be less different from religion than most would care to acknowledge. In any event, the First Amendment is essential to the life of science which must always remain free of official orthodoxies and thus able to challenge and to modify the scientific truths of the moment.[5] While the notion that science and state are separate raises constitutional issues too complex to unravel in this essay, it is introduced to elaborate the distinction between the task of secular law to acknowledge the status of a person as "an adult" and the task of non-secular law to define what it means to be "adult."

Whether required by the Constitution or not, secular law is meant to protect

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individuals and groups, religious and non-religious, scientific and non-scientific, in their independent pursuits by word and deed freely to define and redefine the term "adult." Unlike all other dogma, the dogma which underlies a secular legal system requires the state to tolerate any dogma unless its implementation would harm another who does not share it. But in that freedom of belief and liberty to act lies an inherent threat from those who come to perceive their beliefs as the only truths. The success of a secular legal system can be measured, then, by its capacity to safeguard each person or group from the tyranny of having another's truths about what it means to be adult dictated by the state.[6] The processes for qualifying and disqualifying a person as "an adult"—free to determine for oneself what it means to be "adult"—will thus be considered with special regard for the manner and extent of the law's deviations from pure secularity.

Qualification by Chronological Age

To be an adult in law is to be not a child. To be a child in law is to be below the age of majority and thus to be dependent upon at least one adult called "parent." The rite of passage in secular law from childhood to adulthood is simple, certain, and easy to establish. A person need only reach the magic statutory age of majority to be "independent" of parental control and protection and to be presumed competent by the state to take care of himself—to make and to be responsible for his own acts and decisions.

The statutory age of majority is an age which has varied over time, which varies between states, and which, despite its generally common significance, may even vary within a state for different purposes. The traditional age of 21 seems to have its origins in, and to be linked to a time when, bearing arms meant having the physical strength "to hold up a heavy suit of armour and lift a lance or a sword at the same time."[7] Partially in response to different concerns about the capacity to bear arms, the trend since World War II has been toward lowering the age—a trend which was given great impetus with ratification in 1971 of the Twenty-sixth Amendment to the Constitution which reduces the federal voting age from 21 to 18.[8]

While still avoiding individual judgments about the capacities of specific individuals, the law also sets certain specific ages of qualification and disqualification outside and within the general age of majority. For example, economic considerations and less clearly other societal reasons based on common perceptions of maturity or expectations about risk of injury have led the law to set a lower age than majority in order to obtain a driver's license, to purchase alcoholic beverages, or to enter the job market. For reasons of assuring responsible government and out of a societal perception of an increasing capacity for "mature" judgment, the United States Constitution, for example, sets higher ages than the age of majority to be eligible for membership in the House of Representatives (25), for membership in the Senate (30), and to serve as President (35).[9] Finally, reflecting economic concerns about ensuring employment opportunities for the young and a degree of financial security for the old, the law sets ages higher than majority to receive social security and medicare benefits or to be retired from certain jobs. Such exceptions aside, when persons reach majority, whether the legislature selects 18, 19, 20, or the still more common 21, they are no longer entitled by law to depend upon their parents to provide or decide for them.[10] Nor are they subject to the parental control and the disabilities associated

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with being a child. They are presumed to have the capacity, *inter alia*, to make binding contracts, to hold and to dispose of property, to marry, to vote, to hold public office, to consent to, or reject, medical care, to commit crime, to make testamentary dispositions—that is, to engage in any activity and to be held responsible for it.[11] Thus, in its presumption of general competence, the law distinguishes by chronological age the person who is "an adult," though not necessarily "adult," from the person who is a child.[12]

Whatever a person's sex, creed, and color, he need only reach the chronological age of majority to be entitled to the state's basic trust in his or her capacity to decide how to exercise the rights, privileges, and obligations afforded by law, that is, to determine for himself a meaning for "adult." Such age-qualified persons need not prove to the satisfaction of parents or of some official body of "wisepersons" that they qualify for a license to be an adult; they need not pass a test for maturation or for making sound judgments or for managing their frustrations and their finances; nor need they submit themselves to any other examination designed and scaled by for-the-moment-officially-recognized experts on what it means or should mean to reach a given stage of the life cycle and to be adult. They need only, and only if their adult status is questioned, present their birth certificates or other evidence of age.

Secular law's general policy of open and automatic enrollment for adult status holds in check pressures from "expert groups" toward official orthodoxies. It safeguards each individual from the deprivations and discriminations that stem *not only* from the prejudices of the evil-meaning, who, for example, may wish to deny some the right to vote, *but also* from the rescue fantasies of the well-intentioned, who, for example, may wish to protect others from themselves by denying them the right to determine what, if any, medical care they should have. Thus, through qualification by chronological age, secular law seeks to ensure that its authority is administered with relative restraint from abuse.

In using chronological age as the mark of adulthood, secular law provides an impersonal process for acknowledging the right of all persons to become adult and to define and redefine for themselves what it means to be adult. But in so doing, it does not take a simplistic view of adulthood or of human beings. Rather it recognizes how varied is the range, both in kind and intensity, of man's religious, cultural, scientific and ethical beliefs and how overlapping and ever changing are the modes of their expression within and between generations and at all stages of the life cycle. In thus implementing its basic commitment to man's autonomy—his freedom to and his freedom from—the law not only acknowledges how complex man is, but also how limited is its own capacity for making more than gross distinctions about man's needs, his natures, and his routes of development.

However, the law's restraints on man's tendency to deny to others the right to determine for themselves their own meanings of "adult" have never been, and are not now, absolute. The law fixes limits on the ambit of choice for all age-qualified persons. It also provides procedures both for determining whether a particular individual "should" lose (or have restored) his or her status as an adult and for determining whether a particular individual "should" be entitled to choose to do something outside the generally established boundaries within which adults in general may exercise a choice. The remainder of this essay focuses first on such general restraints and then on individual case-by-case proceedings of exemption and disqualification.

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General Limitations on Being Adult

The freedom of age-qualified persons to determine what they will do and what may be done to them is not unlimited. In the making and the administration of law, there is a constant tension between serving compelling state interests and safeguarding the autonomy of each person to pursue his interests as he sees them—that is, to give his own meaning to being adult without coming into conflict with the law. To the extent laws are justified less on meeting societal needs and more on a legislative, judicial, or administrative perception of a general incapacity of persons to act for themselves, the state, as *parens patriae*, treats its "adults" like children.[13]

This tension in law between expanding and contracting the ambit of choice for adults is to be found, for example, in Justice Stewart's opinion for the United States Supreme Court in the case of *Faretta v. California*.[14] The decision is concerned with whether the constitutional right of an accused to be assisted by counsel in a criminal trial includes the right of an accused to choose to represent himself. The nature of the tension is reflected dramatically in the two different ways in which Justice Stewart describes the question before the Court:

> *The question* . . . is whether a defendant . . . has a constitutional right to proceed without counsel when he voluntarily and intelligently elects to do so. *Stated another way, the question is* whether a State may constitutionally . . . force a lawyer upon him, even when he insists that he wants to conduct his own defense.[15]

Justice Stewart immediately adds: "It is not an easy question, but we have concluded that a State may not constitutionally do so."[16]

What does Justice Stewart's conclusion mean? Is it an answer to his first or second version of the question before the Court? Does it mean that the trial-court judge must presume that an accused adult who is competent to stand trial is capable of deciding what is "best" for himself and thus must honor the defendant's wish to represent himself? Or does it mean that the trial-court judge is *not* to presume that an accused who is competent to stand trial is capable of deciding what is best for himself and thus should honor such a request only if the judge, like a beneficent and knowing parent, thinks that the "child-like" defendant is making an intelligent choice? Justice Stewart's conclusion apparently applies to his second question:

> We confront here a nearly universal conviction on the part of our people as well as our courts, that forcing a lawyer upon an unwilling defendant is contrary to his basic right to defend himself if he truly wants to do so. . . . The right to defend is personal. The defendant, and not his lawyer or the State, will bear the personal consequences of a conviction. It is the defendant, therefore, who must be free personally to decide whether in his particular case counsel is to his advantage. And *although he may conduct his own defense ultimately to his own detriment, his choice must be honored out of "that respect for the individual which is the lifeblood of the law."*[17]

Giving this construction to Justice Stewart's opinion, Justice Blackmun's dissent assumes a *parens patriae* posture: "If there is any truth to the old proverb that "one who is his own lawyer has a fool for a client," the Court by its opinion today now bestows a *constitutional* right on one to make a fool of himself."[18]

Justice Blackmun, however, may have misread the degree of Justice Stewart's commitment to a legal process that recognizes the right of an adult "to make a fool of

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himself." Justice Stewart appears to qualify his commitment by adding at the close of the Court's opinion: "In order to represent himself, the accused must 'knowingly and intelligently' forego [the traditional benefits associated with the right to counsel]."[19] With the word "knowingly," Justice Stewart stresses the importance of protecting the state's interest in preserving, in fact and in appearance, the integrity of the trial process. The accused must be told of his constitutional right to counsel. He is not to be deprived by agents of the state of an opportunity to be "made aware of the 'dangers and disadvantages' of self-representation." Thus, the Court with the word "knowingly" fulfills its supervisory function over the administration of criminal justice by forcing focus on the conduct of state authorities in order to assure that they neither deny an accused access to counsel nor force him to waive counsel.

However, Justice Stewart in adding the word "intelligently" must have intended to introduce a meaning other than "knowingly." If "intelligently" means "rightly" or "wisely" as common usage would have it, then Justice Stewart appears to be inviting trial judges, as *parens patriae*, to focus on the accused and to determine the "wisdom" of his choice. Therefore, judges would not be precluded from forcing counsel upon an accused if they believed that he was not acting "intelligently," even if "knowingly." If the accused is to be treated as an adult person, if his "right" of self-decision is to be acknowledged, all that the law may require is that the trial judge provide him with an opportunity to know of his constitutional right to counsel. It may not require that the accused's choice be an intelligent, informed, and an unemotionally determined decision, but only that it be *his* choice. Out of regard for his adult status, authorities must honor that choice, even if it is a foolish one in the eyes of the state.

Minimally, the *Faretta* decision tends toward greater secularity in criminal procedure. It can be read to have a strong restraining influence on judges who are tempted to protect an accused, as if a child, from himself. The Blackmun dissent and the possible qualification of the majority opinion on the unqualified right of an accused to waive counsel reflect the constant tension in law between safeguarding an adult's freedom to manage his own affairs and yielding to parental inclinations to protect him from himself, often under the guise of a compelling state interest. The case also demonstrates the process by which courts may enlarge or reduce the area in which adult persons may work out their own meanings of being adult.

Further, in declaring the right of an accused adult to self-representation, the Court refrains from extending that right to children charged with offenses. By implication, the *Faretta* decision thus reenforces the distinction between adult and child persons in law. As persons, both adult and child are entitled to "due process" under the Constitution, one in a criminal proceeding, the other in a juvenile delinquency proceeding. But, unlike an adult, a child would be required to "accept" counsel against his wishes. Even if the child is "knowing," he is not presumed capable of "intelligently" making such a choice or of representing himself. What is not clear is whether counsel could be imposed on a child against the wishes of his parents. *In re Gault*, in which the Supreme Court extended the right to counsel to juvenile delinquency proceedings, can be read to mean that parents are not to "be relied upon to protect the infant's interests" in such proceedings.[20] Alternatively it can be read to mean only that a child in a juvenile proceeding will not be deprived of representation solely because his parents are financially unable to afford counsel. *Gault* held that: "The child and his parents must be notified of the child's right to be represented by counsel retained by them, or if they are unable to afford counsel, that counsel will be appointed to represent the child."[21]

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Under either interpretation of *Gault*, the Court is reenforcing, not blurring, the distinction in law between an adult person and a child person. In expanding the rights of a child to include rights accorded an adult, *Gault* and other children's rights decisions (both legislative and administrative) acknowledge the personhood, not the adulthood, of a child. Accordingly, a child is not to be perceived as a chattel but as a person, albeit a dependent one, with civil rights to be specially safeguarded by adults. To enforce a child's rights generally entails the substitution of the state's "adult" judgment, as *parens patriae*, for the "adult" judgment of parents who are declared incompetent to protect the rights of a child as a person.

For example, Judge Murphy, for the Superior Court of the District of Columbia, authorized blood transfusions for an infant over the objections of his parents, and at the same time declined to order blood transfusions for the infant's mother, who in the face of death, refused to consent to such a medical intervention.[22] Over the objection of the "adult" parents' wishes and without regard, of course, to the infant's "wishes," Judge Murphy, as a substitute parent, decided to protect the child's right as a person to reach the age of majority, at which point he too would become entitled to make life and death decisions for himself. By implication, the Judge had found the infant's parents temporarily incompetent to care for the child, but simultaneously had acknowledged the adult status of the mother by declining to use her refusal of blood as a basis for declaring her a danger to herself and thus as incompetent as a child person to decide for herself.

The scientific "fact" that death was inevitable without transfusion was not in dispute. The issue was whether the judge and doctors, as adults with an unqualified value preference for life, could use the power of the state to impose their "adult" judgment on an adult in law whose own "adult" judgment gave greater weight to another preference. On behalf of the adult person the answer was "no"; on behalf of the child person the answer was "yes." The court avoided mistaking as a scientific fact the doctor's preference for life. It recognized that the law cannot find in any science the moral, political, or social values upon which to base its decision.[23] It honored the mother's refusal to consent because the refusal rested on her constitutionally protected religious beliefs. Full respect for any age-qualified person as an adult would entitle such a person in a purely secular legal system to refuse medical assistance without explanation or for reasons not tied to a religious belief or for reasons incomprehensible or personally unacceptable to judge or doctor. But even secular law will not allow such adults as parents to exercise their religious freedom to choose not to protect the right of their children to life. Because they are presumed incompetent to care for themselves, children cannot be denied their right as persons to an opportunity to become adult persons; they will then be presumed competent and entitled to accept or reject death, at least for religious reasons, as an alternative to proven medical care.

The goals of the children's rights movement are not to be confused with those of the civil rights movements. The "minority" movements seek to achieve, for example, equal protection and rights for black and female *child* persons, on the one hand, and for black and female *adult* persons, on the other. In their efforts to gain further recognition for the personhood of both adults and children, those movements buttress, rather than undercut, distinctions in law between an adult and a child.[24]

However, the state, as *parens patriae*, often blurs the distinction between a child and an adult by limiting the range of opportunities for self-determination associated with adulthood. For example, the law has denied "consent" to age-qualified adults to form or join organizations for negotiating their terms of employment; to marry more

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than one person at the same time or to marry a person of the same sex; to divorce a spouse without "good" (acceptable-to-the-state) cause; to use contraceptives, alcohol, or drugs; to declare certain sexual preferences and remain in the armed services; to gamble; to contribute unlimited amounts to finance political campaigns; to possess obscene material; to perform or have an abortion; and to choose to die. The purpose of the list is not solely to illustrate the law's potential for deviating from secularity nor to identify areas of human activity which may be beyond the actual capacity of law to control. It is introduced primarily to demonstrate the nature of boundaries which law has often set to restrict the area in which age-qualified persons may determine, without fear of reprisal by the state, their own individual expressions of being or becoming adult. Conversely in repealing or declaring unconstitutional such restrictions, the law enlarges the area of individual expression and hence becomes more secular.[25]

Individual Modification of Adult Status

In its struggle to meet not necessarily separate or equal commitments to protecting societal interests and safeguarding each adult's freedom to be autonomous, secular law tends to be ambivalent. That ambivalence remains operative even after the law has fixed, at least for the moment, the boundaries to free expression. Not only does the state, as *parens patriae*, find it difficult "to really let go" (as do many parents), but it also has second thoughts about the wisdom of its own decisions. In part out of recognition of the inherent conflict in its dual mandate, secular law seeks to avoid the brittleness that comes with absolutes by establishing processes for either exempting or disqualifying age-qualified persons from certain legal duties or rights. This section considers first the processes of *exemption*, that is, procedures for allowing certain adults because of some compelling personal justification to choose to act outside the lawful boundaries set for all adults. Next it discusses briefly the processes of *disqualification*, that is, procedures for denying adults because of "incompetence" their right to pursue activities within the lawful boundaries set for all adults.

Personal Exemption

Recognition of conscientious objection as a basis for exempting an individual from combat illustrates one way of expanding the limits in law to being adult in the eyes of one's self. As Harlan Fiske Stone observed in 1919:

> Both morals and sound policy require that the state should not violate the conscience of the individual. All our history gives confirmation to the view that liberty of conscience has a moral and social value which makes it worthy of preservation at the hands of the state. So deep in its significance and vital, indeed, is it to the integrity of man's moral and spiritual nature that nothing short of the self-preservation of the state should warrant its violation; and it may well be questioned whether the state which preserves its life by a settled policy of violation of the conscience of the individual will not in fact ultimately lose it by the process.[26]

In 1965, in *United States v. Seeger*,[27] the Supreme Court adopted the Stone position. The Court rejected government efforts to restrict conscientious exemptions to those based upon the tenets of an organized religion. *Seeger* extended the secularity

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of the draft law by virtually obliterating the previously critical distinction between a "religious" and a "merely personal moral" belief in pacifism. Thus agents of the state are precluded from substituting their personal meaning of "religious belief" for that of an individual objector:

> We recognize the difficulties that have always faced the trier of fact in these cases. . . . While the applicant's words may differ, the test is simple of application. It is essentially an objective one, namely, does the claimed belief occupy the same place in the life of the objector as an orthodox belief in God holds in the life of one clearly qualified for exemption?
>
> Moreover, it must be remembered that in resolving these exemption problems one deals with the beliefs of different individuals who will articulate them in a multitude of ways. In such an intensely personal area, of course, the claim of the registrant that his belief is an essential part of a religious faith must be given great weight. . . . *The validity of what he believes cannot be questioned.* Some theologians, and indeed some examiners, might be tempted to question the existence of the registrant's "Supreme Being" or the truth of his concepts. But these are inquiries foreclosed to Government. . . . Local boards and courts in this sense are not free to reject beliefs because they consider them "incomprehensible." Their task is to decide whether the beliefs professed by a registrant are sincerely held and whether they are, in his own scheme of things, religious.[28]

Subsequently, in *United States v. Sisson*,[29] Federal District Court Judge Wyzanski elaborated the *Seeger* Court's expansive construction of a conscientious objector's right to exemption:

> Some suppose that the only reliable conscience is one responsive to a formal religious community of memory and hope. But in *Religion in the Making*, Alfred North Whitehead taught us that "religion is what the individual does with his own solitariness."
>
> Others fear that recognition of individual conscience will make it too easy for the individual to perpetrate a fraud. . . .
>
> *Seeger* cut the ground from under that argument. So does experience. Often it is harder to detect a fraudulent adherent to a religious creed than to recognize a sincere moral protestant. . . . We all can discern Thoreau's integrity more quickly than we might detect some churchman's hypocrisy.
>
> There have been suggestions that to read the Constitution as granting an exemption from combat duty in a foreign campaign will immunize from public regulation all acts or refusals to act dictated by religious or conscientious scruple. Such suggestions fail to note that there is no need to treat, and this court does not treat, religious liberty as an absolute. The most sincere religious or conscientious believer may be validly punished even if in strict pursuance of his creed or principles, he fanatically assassinates an opponent, or practices polygamy, . . . or employs child labor. . . . Religious liberty and liberty of conscience have limits in the face of social demands of a community of fellow citizens. There are, for example, important rival claims of safety, order, health, and decency.[30]

In this way Judge Wyzanski resisted the temptation to assume a *parens patriae* stance and avoided the nonsecular pressures which subsequently were fully undercut by Congress's decision to make service in the armed forces voluntary.

The private-school exemption in the compulsory-education law offers another illustration of the law's effort to preserve for adults an opportunity for self expression. This concern for secularity was extended, though with a more restrictive definition of religion than it had adopted in *Seeger*, by the Supreme Court in *Wisconsin v. Yoder*.[31] The Court, in effect, exempted Amish parents from a general obligation, imposed by Wisconsin law, to send their children to public or private school until age 16. The

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Yoders and other members of the Amish Church refused to send their 14- and 15-year-old children to public school after the eighth grade. Further, they would not enroll them in a private school so as to qualify for an exemption under the compulsory-education law. They claimed that the criminal provision compelling attendance violated their religious rights under the First and Fourteenth Amendments. The Court sought to balance what appear to be two competing goals—one, a compelling state interest to assure for all children an educational opportunity essential to becoming "self-reliant and self-sufficient" adults; the other, to preserve "doctrinal flexibility" at the boundaries by protecting the right of "self-reliant and self-sufficient" parents, as adults, to determine in accord with their religious beliefs how to educate their children to become adult in the eyes of their church. The dynamic tension in this conflict, the complexity of maintaining the secular quality of the legal system, the distinctions between persons in law as adults and as children, as well as being adult or child-like in the eyes of one's self or one's church, and the way in which the state as *parens patriae*, may impinge upon self-expression by age-qualified persons are encapsulated in excerpts from the opinion by Chief Justice Burger for the Court:

"Old Order Amish communities today are characterized by a fundamental belief that salvation requires life in a church community separate and apart from the world and worldly influence. This concept of life aloof from the world and its values is central to their faith.

"A related feature of Old Order Amish communities is their devotion to a life in harmony with nature and the soil, as exemplified by the simple life of the early Christian era that continued in America during much of our early national life. Amish beliefs require members of the community to make their living by farming or closely related activities. Broadly speaking, the Old Order Amish religion pervades and determines the entire mode of life of its adherents. Their conduct is regulated in great detail by the *Ordnung*, or rules, of the church community. Adult baptism, which occurs in late adolescence, is the time at which Amish young people voluntarily undertake heavy obligations, not unlike the Bar Mitzvah of the Jews, to abide by the rules of the church community.

"Amish objection to formal education beyond the eighth grade is firmly grounded in these central religious concepts. They object to the high school and higher education generally because the values it teaches are in marked variance with Amish values and the Amish way of life; they view secondary school education as an impermissible exposure of their children to a 'worldy' influence in conflict with their beliefs. The high school tends to emphasize intellectual and scientific accomplishments, self-distinction, competitiveness, worldly success, and social life with other students. Amish society emphasizes informal learning-through-doing, a life of 'goodness,' rather than a life of intellect, wisdom, rather than technical knowledge, community welfare rather than competition, and separation, rather than integration with contemporary worldly society.

"Formal high school education beyond the eighth grade is contrary to Amish beliefs not only because it places Amish children in an environment hostile to Amish beliefs but also because it takes them away from their community, physically and emotionally, during the crucial and formative adolescent period of life. During this period, the children must acquire Amish attitudes favoring manual work and self-reliance and the specific skills needed to perform the adult role of an Amish farmer or housewife. They must learn to enjoy physical labor. Once a child has learned basic

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reading, writing, and elementary mathematics, these traits, skills, and attitudes admittedly fall within the category of those best learned through example and 'doing' rather than in a classroom. And, at this time in life, the Amish child must also grow in his faith and his relationship to the Amish community if he is to be prepared to accept the heavy obligations imposed by adult baptism. . . .

"There is no doubt as to the power of a State, having a high responsibility for education of its citizens, to impose reasonable regulations for the control and duration of basic education. . . . Providing public schools ranks at the very apex of the function of a State. Yet even this paramount responsibility . . . yield[s] to the right of parents to provide an equivalent education in a privately operated system. . . . [A] State's interest in universal education, however highly we rank it, is not totally free from a balancing process when it impinges on other fundamental rights and interests, such as those specifically protected by the Free Exercise Clause of the First Amendment and the traditional interest of parents with respect to the religious upbringing of their children so long as they . . . 'prepare [them] for additional obligations'. . . .

"It follows that in order for Wisconsin to compel school attendance beyond the eighth grade against a claim that such attendance interferes with the practice of a legitimate religious belief, it must appear either that the State does not deny the free exercise of religious belief by its requirement, or that there is a state interest of sufficient magnitude to override the interest claiming protection under the Free Exercise Clause.

"A way of life, however virtuous and admirable, may not be interposed as a barrier to reasonable state regulation of education if it is based on purely secular considerations; to have the protection of the Religion Clauses, the claims must be rooted in religious belief. Although a determination of what is a 'religious' belief or practice entitled to constitutional protection may present a most delicate question, the very concept of ordered liberty precludes allowing every person to make his own standards on matters of conduct in which society as a whole has important interests. Thus, if the Amish asserted their claims because of their subjective evaluation and rejection of the contemporary secular values accepted by the majority, much as Thoreau rejected the social values of his time and isolated himself at Walden Pond, their claim would not rest on a religious basis. Thoreau's choice was philosophical and personal rather than religious, and such belief does not rise to the demands of the Religion Clauses.

"Giving no weight to such secular considerations, however, we see that the record in this case abundantly supports the claim that the traditional way of life of the Amish is not merely a matter of personal preference, but one of deep religious conviction, shared by an organized group, and intimately related to daily living. . . .

"The impact of the compulsory-attendance law on respondents' practice of the Amish religion is not only severe, but inescapable, for the Wisconsin law affirmatively compels them, under threat of criminal sanction, to perform acts undeniably at odds with fundamental tenets of their religious beliefs. . . . It carries with it precisely the kind of objective danger to the free exercise of religion that the First Amendment was designed to prevent. [The Amish] must either abandon belief and be assimilated into society at large, or be forced to migrate to some other and more tolerant religion. . . .

"The court must not ignore the danger that an exception from a general obligation of citizenship on religious grounds may run afoul of the Establishment Clause, but

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that danger cannot be allowed to prevent any exception no matter how vital it may be to the protection of values promoted by the right of free exercise. By preserving doctrinal flexibility and recognizing the need for a sensible and realistic application of the Religion Clauses

> . . . we have been able to chart a course that preserved the autonomy and freedom of religious bodies while avoiding any semblance of established religion. This is a "tight rope" and one we have successfully traversed. Walz v. Tax Commission, supra, at 672. . . .

"We must not forget that in the Middle Ages important values of the civilization of the Western World were preserved by members of religious orders who isolated themselves from all worldly influences against great obstacles. There can be no assumption that today's majority is 'right' and the Amish and others like them are 'wrong.' A way of life that is odd or even erratic but interferes with no rights or interests of others is not to be condemned because it is different. . . .

"Indeed, the Amish communities singularly parallel and reflect many of the virtues of Jefferson's ideal of the 'sturdy yeoman' who would form the basis of what he considered as the ideal of a democratic society. Even [the] idiosyncratic separateness [of the Amish] exemplifies the diversity we profess to admire and encourage.

"[While Jefferson recognized that education was essential to the welfare and liberty of the people, he was reluctant to directly force instruction of children 'in opposition to the will of the parent.' Instead he proposed that state citizenship be conditioned on the ability to 'read readily in some tongue, native or acquired.']

". . . the State . . . argues that a decision exempting Amish children from the State's requirement fails to recognize the substantive right of the Amish child to a secondary education, and fails to give due regard to the power of the State as *parens patriae* to extend the benefit of secondary education to children regardless of the wishes of their parents. . . .

"Contrary to the suggestion of the dissenting opinion of Mr. Justice Douglas, our holding today in no degree depends on the assertion of the religious interest of the child as contrasted with that of the parents. It is the parents who are subject to prosecution here for failing to cause their children to attend school, and it is their right of free exercise, not that of their children, that must determine Wisconsin's power to impose criminal penalties on the parent. The dissent argues that a child who expresses a desire to attend public high school in conflict with the wishes of his parents should not be prevented from doing so. There is no reason for the Court to consider that point since it is not an issue in the case. The children are not parties to this litigation. The State has at no point tried this case on the theory that [parents] were preventing their chidren from attending school against their expressed desires, and indeed the record is to the contrary. The State's position from the outset has been that it is empowered to apply its compulsory-attendance law to Amish parents in the same manner as to other parents—that is, without regard to the wishes of the child. That is the claim we reject today.

"Our holding in no way determines the proper resolution of possible competing interests of parents, children and the State in an appropriate state court proceeding in which the power of the State is asserted on the theory that Amish parents are preventing their minor children from attending high school despite their expressed desires to the contrary. Recognition of the claim of the State in such a proceeding

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would, of course, call into question traditional concepts of parental control over the religious upbringing and education of their minor children recognized in this Court's past decisions. It is clear that such an intrusion by a State into family decisions in the area of religious training would give rise to grave questions of religious freedom comparable to those raised here. . . .

"The State's argument . . . appears to rest on the potential that exemption of Amish parents from the requirements of the compulsory-education law might allow some parents to act contrary to the best interests of their children by foreclosing their opportunity to make an intelligent choice between the Amish way of life and that of the outside world. The same argument could, of course, be made with respect to all church schools short of college. . . .

"Indeed, it seems clear that if the State is empowered, as *parens patriae*, to 'save' a child from himself or his Amish parents by requiring an additional two years of compulsory formal high school education, the State will in large measure influence, if not determine, the religious future of the child. . . . This case involves the fundamental interest of parents, as contrasted with that of the State, to guide the religious future and education of their children. That the history and culture of Western civilization reflect a strong tradition of parental concern for the nurture and upbringing of their children is now established beyond debate as an enduring American tradition. . . .

"To be sure, the power of the parent, even when linked to a free exercise claim, may be subject to limitation . . . if it appears that parental decisions will jeopardize the health or safety of the child, or have a potential for significant social burdens. But in this case, the Amish have introduced persuasive evidence undermining the arguments the State has advanced to support its claims in terms of the welfare of the child and society as a whole. . . .

"In the face of our consistent emphasis on the central values underlying the Religion Clauses in our constitutional scheme of government, we cannot accept a *parens patriae* claim of such all-encompassing scope and with such sweeping potential for broad and unforeseeable application as that urged by the State.

"For the reasons stated we hold, with the Supreme Court of Wisconsin, that the First and Fourteenth Amendments prevent the State from compelling respondents to cause their children to attend formal high school to age 16. Our disposition of this case, however, in no way alters our recognition of the obvious fact that courts are not school boards or legislatures, and are ill-equipped to determine the 'necessity' of discrete aspects of a State's program of compulsory education. This should suggest that courts must move with great circumspection in performing the sensitive and delicate task of weighing a State's legitimate social concern when faced with religious claims for exemption from generally applicable educational requirements. It cannot be overemphasized that we are not dealing with a way of life and mode of education by a group claiming to have recently discovered some 'progressive' or more enlightened process for rearing children for modern life."[32]

In *Yoder*, the Court appears to have increased slightly, but only slightly, the secularity of the law of compulsory education. In extending to Amish parents the right to a religious claim of exemption, it held the rope tight. Unlike the conscientious-objector decisions, *Yoder* limited the exemption to members of long-recognized organized religions. The Court did not construe protected religious beliefs

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to include beliefs which "occupy the same place in the life of the [claimant] as an orthodox belief in God holds in the life of one clearly qualified for exemption." In explicitly excluding the likes of a Thoreau from an exemption, the Court refused to secularize compulsory-education laws to the degree it had secularized the draft law. As Kurland has observed: "The Court [in Yoder] holds no truck with contemporaries who would also aspire to return to an agrarian democracy without interference by the states. It matters not how conscientious the belief of the moderns may be, only an established church can lend support to a claim of religious freedom."[33]

For the Court to extend its exemption to the sincerely held belief of any parent—or, as Justice Douglas might have it in his dissent, to the belief of the adolescent student—would put too great a strain on the compelling interest of the state in the education of children. Consequently, responding to such tension—which after all is the source of all exemptions—the Court could not (as the Chief Justice has claimed) have successfully "traversed the tightrope" between *promoting* the Amish religion in violation of the First Amendment's establishment clause and *preserving* the rights of Amish adults to the exercise of their religious beliefs in accord with the First Amendment's freedom clause. To protect the freedom of the Amish to give their own meaning to becoming and being adult, without extending the exemption to others whose beliefs cannot be attributed to, and justified by, membership in an ancient organized group, is to give preference, *to establish*, one religion over others. But not to give even such limited exemptions would be to assert the power of the state over the autonomy of some individuals to whom the compelling state interest need not apply.

Despite, then, the difference in the breadth of the exemptions for the draft and for compulsory education, the function of exemptions is the same. The exemption minimizes intrusions on individual autonomy which by definition must be sacrificed for some compelling state interest. Thus secular law responds to tensions which can never be fully eliminated by placing the burden of establishing entitlement to an exemption from a legal obligation or prohibition upon the adult or group of adults who challenge the too confining boundary to their being adult.

Personal Disqualification

In proceedings of disqualification, however, the burden properly shifts to the state or to some private challenger to overcome the general presumption of capacity and authority of a particular age-qualified person to determine his own course within the bounds set by law. These proceedings are in essence non-secular. They rest not upon scientific "fact," but primarily upon vague and ambiguous psychiatric models of normality and abnormality.[34] In effect the state has *established* psychiatry. Its teachings are used to justify declaring an adult no longer competent to give his own expression to being adult. He is classified incompetent to care for himself, to manage property, to contract to marry, to divorce, to be a parent, to stand trial, to serve on a jury, to vote, to hold public office, to commit a crime, to be executed, or to make a valid will. The population of adults, or the ambit of choice for some of them, is thereby reduced under statutes which entitle the state as *parens patriae* to adjudge age-qualified persons "incompetent by reason of mental illness, sickness, drunkenness, excessive use of drugs, insanity, or other mental or physical condition."[35]

The "harmless incompetent" may be placed, like a child, in the custody, care, and control of an adult guardian. Moreover, those "adults" whom the state declares, in

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accord with the established science, to be either "dangerous to self" (undefined) or "dangerous to others" (undefined) may be incarcerated indefinitely "to prevent self-injury or violence to others."[36] These processes for disqualification, including provisions for restoring an adult's "competence," are inherently offensive to individual autonomy. Such procedures deviate from the goals of a purely secular system in the same way, but not as massively, as would a procedure for individually qualifying each person for adult status, rather than automatically admitting him to that status at a statutorily fixed chronological age.

In *O'Connor v. Donaldson*, the Supreme Court accepted the claim of an involuntarily incarcerated age-qualified person against a hospital staff for "having intentionally and maliciously deprived him of his constitutional right to liberty."[37] The case illustrates not only the inherent dangers of individualized disqualification and requalification procedures, but also the extent to which the Court has begun to recognize violations of constitutional rights in the administration of such "nonsecular" laws. On the initiation of his father, who believed his 49-year-old son was suffering from "delusions," Kenneth Donaldson was found by a county judge to be suffering from "paranoid schizophrenia" and was indefinitely committed to confinement in a state mental hospital in 1957. He was held against his will for fifteen years, even though he had posed no danger to others during his long confinement or at any other time in his life. Donaldson's confinement was a simple regime of enforced custodial care, not a program designed to alleviate or cure his supposed illness. The jury returned a verdict for Donaldson and awarded compensatory as well as punitive damages. The Court of Appeals affirmed the judgment. It held that a person who is confined against his will at a state mental institution has "a constitutional right to receive such individual treatment as will give him a reasonable opportunity to be cured or to improve his mental condition."[38] Conversely, the Court of Appeals implied that it is constitutionally permissible for a state to confine a mentally ill person against his will in order to treat his illness, even if his illness only renders him dangerous to himself, not others.

In his opinion for the Supreme Court, Justice Stewart concluded that the *Donaldson* case did not raise "the difficult issues of constitutional law" decided by the Court of Appeals. He wrote:

> Specifically, there is no reason now to decide whether mentally ill persons dangerous to themselves or to others have a right to treatment. . . . As we view it, this case raises a single, relatively simple, but nonetheless important question concerning every man's constitutional right to liberty. . . .
>
> A finding of "mental illness" alone cannot justify a State's locking a person up against his will and keeping him indefinitely in simple custodial confinement. Assuming that that term can be given a reasonably precise content and that the "mentally ill" can be identified with reasonable accuracy, there is still no constitutional basis for confining such persons involuntarily if they are dangerous to no one and can live safely in freedom.
>
> May the State confine the mentally ill merely to ensure them a living standard superior to what they enjoy in the private community? That the State has a proper interest in providing care and assistance to the unfortunate goes without saying. But the mere presence of mental illness does not disqualify a person from preferring his home to the comforts of an institution. Moreover, while the State may arguably confine a person to save him from harm, incarceration is rarely if ever a necessary condition for raising the living standards of those capable of surviving safely in freedom, on their own or with the help of family or friends.
>
> May the State fence in the harmless mentally ill solely to save its citizens from

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> exposure to those whose ways are different? One might as well ask if the State, to avoid public unease, could incarcerate all who are physically unattractive or socially eccentric. Mere public intolerance or animosity cannot constitutionally justify the deprivation of a person's physical liberty. . . .
>
> In short, a State cannot constitutionally confine without more a nondangerous individual *who is capable of surviving safely in freedom by himself or with the help of willing and responsible family members or friends.* Since the jury found, upon ample evidence, that O'Connor, as an agent of the State, knowingly did so confine Donaldson, it properly concluded that O'Connor violated Donaldson's constitutional right to freedom.[39]

In *Donaldson* the Court questions the constitutionality of only a small part of the mental-health law's processes for disqualification. The state may continue to deprive an adult of his right to determine for himself whether he can "survive safely in freedom," whether he needs "the help of . . . family members or friends," or whether he should enter a mental hospital. Adopting the myth of mental illness and using the official science for predicting an undefined harm to self or others, the state may continue to make a dependent out of an adult who, by definition, is an independent. Under mental-health law the state is thus left with authority, despite Justice Stewart's observations, to impose its will on "unattractive" or "eccentric" adults whom it cannot disqualify under the criminal law which establishes the bounds to lawful conduct. To protect the adult status of all age-qualified persons, criminal law, unlike mental-health law, requires the state to presume an individual's innocence, his entitlement to adult status, until it has established beyond a reasonable doubt that the individual accused caused a statutorily defined harm. Unlike mental-health law, the criminal law cannot disqualify an adult simply because of his status and a prediction of the likelihood of his causing harm which has not been defined and, even if it were, which has not occurred.[40]

Thus *Donaldson* leaves standing processes for disqualification which subvert the secular supports of criminal law and which violate individual autonomy and affront human dignity. Yet, in terms of secularity, processes of *disqualification* which deny adult status to those whom the established science declares to be sick, dangerous, abnormal, or otherwise unacceptable are to be preferred to processes of *qualification* which deny adult status to each person until the established science certifies that he is normal and competent to manage his own affairs.

Conclusion

From the start, this examination of the relationship between being "an adult" in secular law and being "adult" in one's own eyes was destined to be less than complete and to be easily misunderstood. The law is too big and too various and the notion of adult is too vague and too subject to the independent fantasies of the writer and the reader to reduce their relationships—if any—to the dimension of a single essay.

The misunderstanding to be avoided is the attribution to the legal system of a magic it does not have. Many distinguished dissenters and civil disobedients have demonstrated that law, no matter how restrictive and demeaning, is limited in its capacity to destroy or bend to its will a person's sense of self. Moreover, no matter how tolerant and respectful law may be of the "deviant," "sick," or "strange," it is not capable of giving to each person an adult sense of self. To be an adult in law is not necessarily to be adult. And to be a child or dependent in law is not necessarily not to be adult. But to acknowledge this is not to suggest that law makes no difference or that

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legal systems cannot be distinguished in terms of the extent of their secularity. Rather such an observation should serve to emphasize the importance of recognizing how complex and frail are the processes in secular law for both safeguarding societal needs and preventing one person's truth from becoming another person's tyranny.*

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[1]Nelson, "Emerging Notions of Modern Criminal Law in the Revolutionary Era," *New York University Law Review*, 42 (1967), pp. 450-51. Cf. "Vatican Statements on Sexual Ethics," *New York Times*, January 16, 1976, p. 11, col. 1: "Christian doctrine . . . states that every genital act must be within the framework of marriage. Experience teaches us that love must find its safeguard in the stability of marriage if sexual intercourse is truly to respond to the requirements of its own finality and to those of human dignity. These requirements call for a conjugal contract sanctioned and guaranteed by society."

[2]393 U.S. 97 (1968). *Accord* Daniel v. Waters, 515 F.2d 485 (6th Cir. 1975), holding unconstitutional a 1973 Arkansas statute requiring textbooks relating to the origin of man to include a disclaimer that its explanation is a theory and "is not represented to be scientific fact," to include equal accounts of the Genesis theory, and to exclude "the teaching of all occult or satanical beliefs of human origin."

[3]*Ibid.*, at 103-04. Cf. Meek v. Pittenger, 421 U.S. 349, 358 (1975). The Court described the first part of a three-part test to judge the constitutionality of state aid to non-public schools as "First, the statute must have a *secular* [emphasis added] legislative purpose."

[4]This view would appear to be buttressed by the Supreme Court in Turner v. Department of Employment Security, U.S. 96 S. Ct. 249 (1975), (*per Curiam*). The Court rejected the State's claim of authority to refuse unemployment benefits to women during the last three months of pregnancy and first six weeks following delivery simply because it presumed that all such women are unable to work. In holding that the presumption violated the Fourteenth Amendment, the Court overturned a Utah court's ruling in which the pregnant applicant was advised that: "What she should do is work for the repeal of the biological law of nature. She should get it amended so that men shared equally with women in bearing children. If she could prevail upon the Great Creator to so order things, she would be guilty of violating the equal protection of the law unless she saw to it that man could also share in the thrill and glory of Motherhood. . . . In the matter of pregnancy there is no way to find equality between men and women. The Great Creator ordained the difference, and there are few women who would wish to change the situation" (531 P.2d 870-71 [Utah 1975]).

[5]This construction of the First Amendment is reflected in the Court's strong support for academic freedom. See, e.g., Keyishian v. Board of Regents, 385 U.S. 589, 603 (1967): "Our Nation is deeply committed to safeguarding academic freedom which is of transcendant value to all of us . . ."; Sweezy v. New Hampshire, 354 U.S. 234, 250 (1957): "To impose any strait jacket upon the intellectual leaders in our colleges and universities would imperil the future of our Nation." Indeed, the protection afforded by the First Amendment against government efforts to "homogenize" either by political or other dogma is far-reaching. Note, "Alien's Right to Teach: Political Socialization and the Public Schools," *Yale Law Journal*, 85 (1975), p. 90. See also T. Emerson, *The System of Freedom of Expression* (1970), p. 7: "[The principle of freedom of expression] carries beyond the political realm. It embraces the right to participate in the building of the whole culture, and includes freedom of expression in religion, literature, art, *science*, and all of the areas of human learning and knowledge [emphasis supplied]."

[6]A. Bickel, *The Morality of Consent* (New Haven, 1975), p. 141: "In the end perhaps the revolutionaries will unmask themselves. The faith embodied in the First Amendment is not only that in a free society few will want to make a revolution, but that where the revolutionary idea may be freely ventilated it will defeat itself. The answers are obvious: those of us who insist on striving and on swilling beer don't really know what we want, and the revolution would enable us freely to want what we should. And we would not be dancing in the streets all the time but fulfilling ourselves at play and at work. Those of us who play too much would be told gently, persuasively, but in the end firmly by our new leaders (positioned not above us, but side-by-side with us) that for our own and the common good we ought to work more and play less. And we would do it gladly, for the society would be ours, not the CIA's, as it is now. When we work, we will do the work that fulfills us, not some task to which we have been arbitrarily assigned, and if we fall into some individual error about what work really does fulfill us, we will be shown our mistake, we will see it, and proceed to do what we ought to do. It all rings true. Such a system can surely be built. It is only that there is a name for the means that must be employed to create that system and maintain it. That name is tyranny. . . ."

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[7]*Report of the Committee on the Age of Majority*, #38, p. 21 (Cmd. 3342), (1965), (hereinafter *Report*).

[8]See generally, Council of State Governments, *The Age of Majority* (1972).

[9]Art. I, Sec. 2; Art. I, Sec. 3; Art. II, Sec. 1. Interestingly the Constitution sets no special qualifying age for justices of the Supreme Court.

[10]In some jurisdictions the population of adults also may include persons who marry below the statutory age. And in some jurisdictions partial emancipation may be accorded children who become pregnant and wish to determine without regard to parental wishes whether or not to obtain an abortion. See, e.g., Ballard v. Anderson, 4 Cal 3d 873, 484 P.2d 1345, 95 Cal R. 1 (1971).

[11]*Report*, Appendix 7 (and 3344).

[12]The British Committee adopted the following guides to the selection of an age of majority. "The law should . . . be amended to ensure that: (1) no child or young person is in any way restricted in his or her capacity or independence as a citizen solely for the benefit of any other person or persons, and (2) young persons should be protected, by legal incapacity to act independently, from having attributed to them legal responsibility likely to be unduly burdensome to a person of that age. . .," *Report*.

[13]"The concept of *parens patriae* is derived from the English constitutional system. As the system developed from its feudal beginnings, the king retained certain duties and powers, which were referred to as the "royal prerogative." Malina and Blechman, "Parens Patriae Suits for Treble Damages Under the Antitrust Laws," *Northwestern University Law Review*, 65 (1970), pp. 193, 197; "Parens Patriae Suits for Damages," *Columbia Journal of Legal and Social Problems*, 6 (1970), pp. 411, 412. These powers and duties were said to be exercised by the king in his capacity as "father of the country." Traditionally, the term was used to refer to the king's power as guardian of persons under legal disabilities to act for themselves" (Hawaii v. Standard Oil Co., 405 U.S. 251, 257 [1971]). "This prerogative of *parens patriae* is inherent in the supreme power of every State, whether that power is lodged in a royal person or in the legislature, and has no affinity to those arbitrary powers which are sometimes exerted by irresponsible monarchs to the great detriment of the people and the destruction of their liberties. On the contrary, it is a most beneficient function, and often necessary to be exercised in the interests of humanity, and for the prevention of injury to those who cannot protect themselves. . . . This beneficient function has not ceased to exist under the change of government from a monarchy to a republic; . . . it now resides in the legislative department, ready to be called into exercise whenever required for the purposes of justice and right . . ." (Mormon Church v. United States, 136 U.S. 1, 57-58 [1889]).

[14]422 U.S. 806 (1975).

[15]*Ibid.*, at 807 (emphasis added).

[16]*Ibid.*

[17]*Ibid.*, 817, 834 (emphasis added). Cf. United States v. Denno, 348 F.2d 12, 15, (2d Cir. 1965): "Even in cases where the accused is harming himself by insisting on conducting his own defense, respect for individual autonomy requires that he be allowed to go to jail under his own banner if he so desires and if he makes the choice 'with his eyes open.' "

[18]422 U.S. at 852 (emphasis in original).

[19]*Ibid.*, at 835.

[20]387 U.S. 1, 35 (1967).

[21]*Ibid.*, at 41.

[22]In re Pogue (D. C. Super. Ct., Nov. 12, 1974), in *Washington Post*, November 14, 1974, at Cl. col. 1. See Erickson v. Dilgard, 44 Misc. 2d 27, 28, 252 N.Y.S. 2d 705, 706 (Sup. Ct. 1962), refusing to order blood transfusion over patient's objection: "The court concludes that it is the individual who is the subject of a medical decision who has the final say and that this must necessarily be so in a system of government which gives the greatest possible protection to the individual in the furtherance of his own desires". But see Application of President and Directors of Georgetown College, 331 F.2d 1000 (D.C. Cir., 1964), *cert. den.* 377 U.S. 978 (1964) and State ex rel Swann v. Pack, 527 S.W. 2d 99 (Tenn. Sup. Ct. 1975) cert. den., 44 U.S.L.W. 3501 (March 9, 1976), in which the court, after holding that the Holiness Church of God in Jesus' Name "is a constitutionally protected religious group" (*ibid.*, at 107), held that the state could prohibit a ritual which called for the handling of poisonous snakes and the drinking of strychnine poison. It observed: "Yes, the state has a right to protect a person from himself and to demand that he protect his own life . . ." (*ibid.*, at 113).

[23]J. Goldstein, "Psychoanalysis and Jurisprudence," *Yale Law Journal*, 77 (1968), pp. 1053, 1059. The expansion of the opportunity for individual choice is often accompanied by restrictions which reflect nonsecular resistances to the loosening of legal boundaries. In declaring unconstitutional laws making abortion a crime, the Supreme Court, for example, enlarged the range of lawful choices for pregnant women and their physicians. At the same time, the Court authorized states to limit such free choice to the first trimester of a pregnancy in the light of currently acceptable medical "fact." Roe v. Wade, 410 U.S. 113 (1973). Justice Blackmun, in his opinion for the Court, limits, but does not eliminate, the authority of states to treat pregnant women (and their attending physicians) as children who are incompetent to determine for themselves as adults what course to pursue with regard to the pregnancy. He cloaks in science his personal preference and thus obscures that law cannot find in science the values upon which to base its decisions:

"With respect to the State's important and legitimate interest in the health of the mother, the

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'compelling' point, in the light of present medical knowledge, is at approximately the end of the first trimester. This is so because of the now established medical fact . . . that until the end of the first trimester mortality in abortion is less than mortality in normal childbirth. It follows that, from and after this point, a State may regulate the abortion procedure to the extent that the regulation reasonably relates to the preservation and protection of maternal health. . . .

"This means, on the other hand, that, for the period of pregnancy prior to this 'compelling' point, the attending physician, in consultation with his patient, is free to determine, without regulation by the State, that in his medical judgment the patient's pregnancy should be terminated. If that decision is reached, the judgment may be effectuated by an abortion free of interference by the State." *Id.* at 163.

Thus a state, except during the first three months of pregnancy, continues to have the authority, in effect, to substitute what it thinks is best for a particular potential mother's well being for what she and her physician as age-qualified persons, as adults, prefer. Only to an extremely limited extent, then, does the Court enlarge in its abortion decision the area of an adult's choice to give meaning to being adult.

[24]Exceptions are now being acknowledged to the presumed incompetence of children in the form of medical emancipation, especially in late adolescence. See, e.g., Ballard v. Anderson, *supra*, note 10, construing the California abortion statute to permit minors to obtain therapeutic abortions without parental consent; Melville v. Sabbatino, 313 A.2d 886, 30 Conn. Supp. 320 (Super. Ct. 1973), construing Conn. Gen. Stat. Ann. 17-187 (1963) to permit minors sixteen and over, despite parental objection, to exercise the rights of voluntary adult patients to demand release from a mental hospital. For our purposes, then, the child is perceived as an adult in these legislative and judicial decisions.

[25]Starting from another point of inquiry, law may be viewed "as a concrete and continuous process for meeting both man's need for stability by providing authority, rule, and precedent, and his need for flexibility by providing for each authority a counter-authority, for each rule a counter-rule and for each precedent a counter-precedent. . . . To the extent law provides a proper mix of continuity and flexibility it provides the basis for a stable, vital and viable society capable of keeping its resolutions peaceful." J. Goldstein, "Psychoanalysis and Jurisprudence," *Yale Law Journal*, 77 (1968), pp. 1053, 1056.

[26]Stone, "The Conscientious Objector," *Columbia University Quarterly*, 21 (1919), pp. 253, 269.

[27]380 U.S. 163 (1965) (emphasis added). See also Welsh v. United States, U.S. 333, 356 (1970), Justice Harlan concurring: "The constitutional question that must be faced in this case is whether a statute that defers to the individual's conscience only when his views emanate from adherence to theistic religious beliefs is within the power of Congress. . . . Having chosen to exempt, [Congress] cannot draw the line between theistic or nontheistic religious beliefs on the one hand and secular beliefs on the other. Any such distinctions are not, in my view, compatible with the Establishment Clause of the First Amendment." The majority reached its decision on a statutory interpretation of the draft law. Cf. Gillette v. United States, 401 U.S. 437 (1971), upholding section 6(j) of the Military Selective Service Act which exempts persons who oppose participation in all war, but not those who object only to participation in a particular war.

[28]380 U.S. at 183-85 (emphasis added).

[29]297 F. Supp. 902 (D. Mass. 1969) *appeal dismissed* 399 U.S. 267 (1970).

[30]*Ibid.*, at 909-10.

[31]406 U.S. 205 (1972).

[32]*Ibid.*, at 210-35.

[33]P. Kurland, "The Supreme Court, Compulsory Education, and the First Amendment's Religion Clauses," *West Virginia Law Review*, 75 (1973), pp. 213, 236-37.

[34]See D. L. Rosenhan, "On Being Sane in Insane Places," *Science*, 179 (January 19, 1973), p. 250; J. Katz, J. Goldstein, A. Dershowitz, *Psychoanalysis, Psychiatry and Law: Part Two* (New York, 1967); and J. Goldstein and J. Katz, "Dangerousness and Mental Illness—Some Observations on the Decision to Release Persons Acquitted by Reason of Insanity," *Yale Law Journal*, 70 (1960), p. 225.

[35]Fla. Stat. Ann. §394.22 (1) (1969). This statute was applicable in O'Connor v. Donaldson, 422 U.S. 563 (1975) and was repealed by Fla. Stat. Ann. §394.459 (1973). See S. Brakel and R. Rock, eds., *The Mentally Disabled and the Law* (1971).

[36]Fla. Stat. Ann. §394.22 (11) (1969), repealed by Fla. Stat. Ann. §394.459, 394.467 (1973): "A person may be involuntarily hospitalized if he is mentally ill and because of his illness is: (1) likely to injure himself or others if allowed to remain at liberty or (2) in need of care or treatment and lacks sufficient capacity to make a responsible application on his own behalf."

[37]422 U.S. 563, 565 (1975).

[38]*Ibid.*, at 572 (quoting Donaldson v. O'Connor, 493 F.2d 507, 520 [5th Cir. 1974]).

[39]*Ibid.*, at 573, 575-76.

[40]There are, of course, in the inchoate crimes of attempt, solicitation, and conspiracy, and in procedures of preventative detention before conviction and parole denial after conviction, opportunities for violation of this general principle of criminal law.

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Consensus and Conflict in Twentieth-Century Public Policy

USEFUL PERSPECTIVES ON AMERICAN SOCIETY can be obtained by extracting from the law the values implied in it. Law is only one of a number of institutions that shape the country's life, and generally it has had a marginal effect compared with the market, the family, the church, the school, and organized philanthropy. But this marginal effect often provides critical leverage in public affairs. Moreover, because the law emphasizes procedure, legal processes provide an unusual body of evidence for what these values are; it forces us to become aware of them and to define them in the process of its deliberations and decision-making. The law has served two functions in the country's life: It has provided the means for assembling and channeling resources for fashioning the life of the society, and it has provided the processes for resolving conflicts that derive from the scarcity or absence of life's satisfactions. Both functions contribute to maintaining order in the face of events whose infinite and chancy variety always threatens chaos. Public policy has thus presented three salient aspects. In substantial measure, it embodies shared values, or at least values shared by a politically effective segment of the population. On the other hand, it also embodies those conflicts of interest that are brought to sharpest focus when they are used to create or support privilege. Both consensus and conflict can be put into perspective only by adding a third dimension of experience—that in which public policy yields to an unplanned and unchosen drift in the affairs of society.

Events have created a significant watershed in the history of public policy in the United States. From 1790 to the eighteen-seventies, the country grew and changed, but it did so within bounds that remained relatively familiar. Thereafter, with gathering force, social change produced a country which by the nineteen-twenties bore little resemblance to its forebear. There was a degree of continuity, but public policy took on a content that was distinctive to the twentieth century.

Among the values that were shared by a sufficiently large proportion of the population to give character to the society were four which were reflected in law. These were deference to individual life, concern with a social context—a commonwealth—favorable to realizing individual life satisfactions, the prizing of active will to shape social experience, and confidence in material advance as a basis for ideal achievement. The country's turbulent growth spawned a great diversity of goals and ambitions, often in tension with its shared values. Public policy was thus much concerned with handling conflicts of interest, particularly those which involved special privilege. Deep divisions of interest centered on wealth or income, race, and sex as criteria for allocating the gains and costs of life in society.

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Both sharing and conflict were further influenced by large, undirected currents of change, especially growth and concentration of population, science-based technology, shifts in cultural patterns, and institutional imperfections in the legal order. To an even greater extent in the twentieth than in the nineteenth century, the country's life was largely shaped by influences chosen neither by the people at large nor by special interests. Policy-makers have confronted no greater challenge than that of using legal processes to combat the massive forces of social inertia.

Shared Values

Critics properly level skepticism at claims that there is a consensus of values in the United States—contention, recurrently flaring into violence, looms too large. Wherever law contributes to social change, there is always in the background the possibility that legitimated force or secondary coercions based on such force can be used to bend the law to serve a dominant class or party. But the record does show substantial areas of shared values. Around certain standards of social relations are clustered sufficient desire and consent, supported by sufficient unforced acceptance, to constitute politically effective demands. The more important of these are:

Concern for the individual: Public policy includes a concern to foster the creative potential and dignity of individual life. In the nineteenth century this concern showed itself primarily with regard to the political position of adult white men and chiefly in two specialized expressions: law steadily extended the suffrage to all white males, free of property qualifications, and the Fifteenth Amendment guaranteed the right to vote to all citizens, regardless of race, though in practice the guaranty lacked effect for nearly a hundred years after its adoption. Apart from political process, a bustling middle-class society saw the market as the principal arena for realizing the individual's creative will. This bias can be seen in the strong support for freedom of contract and in the emphasis on moving public lands into private, fee-simple ownership (that is, a title giving the landowner the broadest range of discretion compatible with social policy in his use or transfer of the land).

Twentieth-century public policy has continued to focus attention on the position of the individual, but with an emphasis that reflects the new character of social life. The nineteenth century's preoccupation had been to arm the individual for managing affairs as an actor in politics or in the market. This element has not been altogether lacking in the twentieth century: the Nineteenth Amendment extended the vote to women, and first judicial and then legislative effort went into implementing full citizenship for blacks and other minorities. But twentieth-century concern for the individual has taken on a more defensive tone. Organized public and private power began to weigh more and more heavily on the individual in an increasingly interlocked society. In response, judicial decisions have elaborated the protections which procedural due process of law holds out to those accused of crime; constitutional, statutory, and judge-made (i.e., common) law has developed some protection for individual privacy against official and private intrusion and has recognized that individuals need protection as wage or salary earners rather than as entrepreneurs. Accordingly, legislation has been developed to foster and protect the individual's rights to organize trade unions and to engage in collective bargaining and has been extended to protect consumers against fraud and threats to health and safety.

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The law has also accepted private associations in areas other than trade-union bargaining. While nineteenth-century policy recognized a public interest in free private association, legislatures have made access to incorporation easier. Though individuals may incorporate only under a state charter, the state must make out a special case—as with public utilities—for requiring its license for any collective action, and the law makes it difficult for the state to establish that a private associated action can be regarded as criminal conspiracy. Beyond this, twentieth-century doctrine has enlarged constitutional protection of private association, assuring that private organizations need not make public their membership rosters and authorizing groups such as trade unions to make legal services available to their members at low cost or as an incident of group membership. Court decisions have enlarged the recognition of the right of individuals in association to litigate shared interests—for example, class actions to protect the natural environment.

Commonwealth values: The shared values and sustained patterns of conduct that help make a society are largely the products of institutions other than the law. But, with varying emphases over time, law has undertaken to offer supporting services or protection to other institutions, or to define limits within which other institutions may exercise their power. Thus law provides churches with police and fire protection, but the legal doctrines of separation of church and state also limit the roles that organized religion may play in public affairs.

Given the high value put on freedom of contract and market operations, the nineteenth century sometimes seemed ready to dissolve society into a whirl of private schemes and transactions. But the practical temper of the people has meant that we never exalted laissez-faire into a governing dogma. The country's potential riches and sectional diversity—long contrasted with the scarcity of manpower and fluid capital—required a collective effort to realize the possibilities of growth. In its own way, nineteenth-century public policy paid considerable attention to what people perceived to be the commonwealth values; a great deal of effort went into its Constitution-making and into developing a working federalism. Public-land programs were intended to enlarge private dealings in the market, but they also represented a major use of public resources to fashion the general character of society. Judges ruled that they should strictly construe grants of public-utility franchises to preserve common rights. This care for the common interest showed even in contract law—that key support of the private market—where courts carefully maintained their authority to refuse to enforce private agreements which threatened anti-social results.

Twentieth-century value consensus has showed no greater contrast to the nineteenth century than in its development of a deeper and broader sensitivity to commonwealth interests. After 1900, the society grew more and more interdependent. Action at any given point tended to ramify more widely in its effects; more intricate interconnections between activities created more situations where relatively few individuals could wield power over many; people began to grow conscious of a looming scarcity of resources, where they had formerly taken abundance for granted.

Three areas in particular demonstrate this heightened concern for the commonwealth:

1. Prevailing opinion continued to accept the market as a major institution of social control, but the law elaborated definitions of what was socially acceptable in

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market dealing. The twentieth century extended far beyond earlier precedent the range and intricacy of public-utility regulation. But public policy did not limit its interventions to such specialized enterprises. It invoked law to redress gross imbalances of power in the market generally, protecting collective bargaining in labor relations and enlarging safeguards for consumers as they confronted the power and impersonality of large-scale production and distribution. As extreme division of labor made people vulnerable to swings in the business cycle, demands grew that the federal government use its fiscal and monetary powers to promote healthy economic growth and act against abrupt, catastrophic changes in the volume and pace of transactions.

2. The country grew more crowded. New ways of making and distributing goods multiplied the effects that a particular act could have on those other than the immediate actors. A rising standard of living increased people's wants and claims on available resources. From such diverse causes the society began to anticipate scarcity and to become more sensitive to the weakness of individuals in an increasingly organized economy. From these perceptions emerged greater attention to conserving human and natural resources—to promoting education, care for dependent persons, and clean air and water.

3. Public policy paid more attention to education in a society whose character was increasingly shaped by science and technology. Law accepted the social utility of private research foundations. Tax patterns favored allocating private resources to advancing knowledge. Congress and state legislatures provided public funds to underwrite scientific and technical inquiry and to put science-based technology in the service of public programs. This was an area which particularly called for far-sighted leadership. In a culture which tends toward a narrow pragmatism, policy favored investing more generously in applied than in basic research. An important issue, therefore, was how legal processes could effectively provide leverage to those who wished to invest in advancing knowledge beyond the limits of immediately visible utility.

Active will: The twentieth century drew no stronger inheritance from the nineteenth than the high value it placed on active will directed at shaping experience. This bias of policy showed itself in favor of the fee-simple title as the norm of land ownership, in the scope given for freedom of contract, and in increasing hospitality to all forms of private association, especially the business corporation. The nineteenth century invoked public action chiefly to support private will. This was true of the disposition of the public domain, which was the government's principal avenue of affecting the society. Through most of the nineteenth century the goals of public-land policy were to create an economy of family farms in the Mississippi Valley and to enlarge the reach of commerce by subsidizing the railroads.

Twentieth-century law continues to support private will in the market, in ways which awaken new concerns for social well-being. Freedom of contract can give alarming scope to technological change, as in the mass use of the automobile. Corporation statutes tend to increase the opportunities for management and influential minority stockholders to control great aggregations of assets. The law of corporate finance and banking contributes to greater volume and fluctuations in the whole flow of transactions, accentuating shocks in the business cycle. The response has taken the form of an inclination to use the government to direct events. For example, Congress created the Federal Reserve System to provide management

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against money panics. From the nineteen-thirties, the federal government blundered its way by trial and error into using fiscal policy to mitigate swings of the business cycle.

Public policy is now more skeptical of change. The nineteenth century tended to assume that all change was good; the twentieth century has begun to learn more caution. Legal regulation now qualifies the freedom which contract and the market have given to changes produced by science and technology; drugs must meet law-imposed standards of efficacy and safety; food processors may be ordered to stop using chemical additives suspected of being hazards to health. Broadly symbolic was the National Environmental Policy Act (1970) requiring all federal agencies to consider the possible environmental effects of their programs.

A material base for ideal values: One judgment on the relations of means to ends has run so consistently through two hundred years of national policy as to warrant special notice in this short catalogue of consensus; it is implicit in the policy already discussed. The society holds that it will most likely achieve its goals if it works from a healthy material base; in other words, people are more likely to pursue the virtues of justice and equality if they are not driven by hunger or cold. The nineteenth-century enthusiasm for fee-simple titles to land rested largely on this conviction; one who enjoyed a yeoman's independence in commanding resources would more likely be a responsible citizen. The twentieth century has acted on similar beliefs. It is not accidental that the law has involved itself more in the economy than in any other dimension of social action. The government's efforts to foster employment and otherwise to check drastic movements in the general course of business are thought to be means to the ends of respecting individual dignity, guarding the commonwealth, and maintaining control of events. The law's most pervasive measures against racial injustice have centered on improving economic status—better educational opportunities, equal access to jobs, improved housing. The principal alternative to public-welfare services and aids to dependent persons that has been argued is public provision for a guaranteed minimum income. Over a wide range of affairs, the tendency is to work mainly on the economic dimensions of social welfare.

Values in Conflict: Within Consensus

The United States grew to a size, complexity, and affluence that fostered a great diversity of interests. Even in this rich setting, at least some people encountered the hard realities of scarcity, the more so as others succeeded in grasping special privileges incompatible with fair sharing. Conflict thus figured prominently in the development of public policy. The twentieth century has not experienced divisions so rending as the Civil War. But from the nineteen-fifties on, the country has become increasingly conscious of the unsolved problems of privilege, centering especially on wealth, race, and sex, which carry disturbing challenges for the moral and political legitimacy of the society.

We must not exaggerate the depth of the conflict. A great deal of contention has gone on within the bounds of the consensus of shared values mentioned earlier. This is especially true in the marketplace. Gross inequalities in bargaining position can make the market an arena of serious social divisions, but a good deal of this jousting has gone on among interests well able to look out for themselves. This was already so

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in the relatively simple markets of the nineteenth century, but the bargaining has immensely proliferated in the twentieth, as the economy has developed a more elaborate division of labor and sufficient affluence to support a great multiplication of wants and of responses to them.

Two strands of public-policy growth are prominent in those areas of limited conflict: the first is a shifting of interest-adjustment roles among legal institutions. Through most of the nineteenth century, appellate courts were major law-makers for the market, building complex bodies of doctrine in contract, property, tort, and creditor-debtor relations. The one-to-one pattern of litigation—plaintiff against defendant—was readily adaptable to situations where transactions were relatively simple and economic organizations relatively small and dispersed. In the twentieth-century adjustment of economic interests, conflicts shifted away from judge-made, common law and toward legislative and administrative processes. Business enterprises grew to a scale that involved a greater number of interests than the framework of lawsuits could readily accommodate. The extended use of the business corporation and the rise of public regulatory bodies required a more intricate organization of both private and public power. Only the legislature could supply the needed forms of organization. With improved communication and more closely knit markets came the multiplication of organized lobbies to press for, or oppose, the law's entry into the economy. These diverse pressures did not fit into the formal and ethical constraints of litigation, in contrast to the more open processes of legislatures and administrative agencies. The need was felt for a new apparatus to provide specialized knowledge and experience, to focus will, and to handle large volumes of detailed public business. In response, legislatures delegated more and more power to administrators to make and apply rules regulating areas of public concern.

The constitutional ideal enjoins that law should adjust conflict to serve the public interest. That established legal processes over a considerable range of interest conflicts are accepted suggests that people feel the public interest is served simply by providing lawful procedures for peaceful and relatively rational resolutions of differences. However, fairness and rationality call for adequate representation of all major affected interests, while twentieth-century practice relies largely on private initiative and resources to determine what pressure will make itself felt in legislative bargaining. This means that in the market the scattered consumer interests are not properly represented, and that the most aggressive bargaining in the legislative arena is carried on by those seeking power in the market; their activities often impinge significantly on non-market values such as concern for public health or the quality of the environment.

The functional strength and utility of the market has made it a most insistent claimant. Legislators typically respond to pressure more often than they take the initiative in searching out public interest. Administrators tend to sympathize with the concrete interests of those they regulate rather than the diffuse interests of consumers or environmentalists. Belatedly the country has begun to realize that it has accepted legislative bargaining too complacently—that consensus has failed to provide adequate representation for all affected interests. Adjusting interest conflicts through bargaining can be the safest way of living together. But this is so only if public policy matures to the point of contriving effective institutional expression for all major interests in the commonwealth.

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Values in Conflict: Privilege

Some conflicts of interest reach far deeper and cannot be worked out in terms of an underlying consensus. Because of the abundance of land and the social mobility fostered by an expanding market, the United States has never had to confront any serious questions of hereditary privilege. The variety of people and sects in the country reinforced constitutional guarantees of freedom of religion and removed religious differences as a basis for class lines, though social prejudice did impose practical handicaps on some, such as Catholics and Jews. Social custom provided some discrimination against the alien poor, but until 1917 public policy generally welcomed immigration. When Congress finally did raise barriers its action was widely accepted among the resident population. The areas of privilege which prevailed to cause conflict in the twentieth century were therefore not the traditional ones of hereditary right, religious faith, and alien status. They were over the law's involvement with criteria of wealth, race, and sex as determinants of the individual's opportunities.

The distribution of wealth and income has provided the most broadly felt source of conflict. Concern has focused particularly on three areas—access to the political process, the balance of power in the market, and the quality of the individual life. Nineteenth-century legislation removed almost all property qualifications on the right to vote, and, in 1966, the United States Supreme Court capped this by ruling that the imposition of a poll tax violated the constitutional guaranty of the equal protection of the laws. But wealth can exercise a more subtle influence. Large concentrations of private wealth affect the working of elections. From the early years of the twentieth century the passage of dubiously effective corrupt-practices laws reflected concern over this fact. In the nineteen-seventies regulation of campaign contributions and expenditures has become a warmly contested policy development. People of modest means are less well treated by the police and other administrators than those who are well off, find access to the courts difficult to achieve, and can almost never make themselves effectively heard in legislatures; legal aid offers minimal correction to these handicaps. Not until the nineteen-sixties did Congress mount any substantial effort to provide legal services for the poor from public funds, and only then did court decisions encourage the formation of group legal services to help people of small means. The access that wealth gives to legal processes presents stubbornly persistent challenges to the legitimacy of the legal order.

The concentration of wealth and of control over pooled assets has been a longstanding source of public-policy concern because it tends to subvert the market's capacity to act as an institution of social control. In the nineteenth century, this concern expressed itself in specific and dubiously effective regulations of banks and railroads. Markets protected by federalism, favorable tax laws, and corporate enterprise fostered large-scale concentrations of assets in finance, industry, and distribution. Under competitive prodding from New Jersey and Delaware, state legislatures enacted general incorporation laws which favored control of big corporations by management and influential shareholders, while the general run of shareholders were reduced to passive roles and became merely income recipients. Big corporations fixed prices and wielded great power over labor, suppliers, and customers, and substantial influence over the economy, society, and the environment. These developments created disturbing unresolved questions of the legitimacy of the power held by big business.

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Corporation law is not a significant curb on this power. The principal public-policy response has been to enlarge the variety and reach of external legal regulations. Lawmakers have expanded public-utility laws and enacted legislation to protect collective bargaining. In 1938, the executive revived and professionalized the enforcement of antitrust laws, and in 1951 Congress increased its power to move against business mergers. Federal securities legislation began by directing attention to securities trading, but has moved to regulation of the internal financial practices of business corporations. Laws protecting consumers and the environment are directed mainly to activities of big business. Beginning in the mid-twentieth century the Federal Reserve Board and other bank regulatory agencies have injected a degree of public influence, which was previously lacking, into the supply of money and credit.

As this catalogue implies, these were relatively sporadic developments, reflecting the absence of a comprehensive plan commensurate with the impact of big business on the society. For example, up to the nineteen-seventies, there was no appreciable effort to use the tax power to curb bigness in the private economy, nor any force behind suggestions to use federal incorporation of interstate enterprises as a lever for imposing general accountability. Enough had been done so that big business operated with some respectful attention to legal regulations, but for a hundred years the private economy produced a sufficiently impressive absolute rise in the material standard of living for enough people to produce a more or less grudging acceptance of market concentration. Nonetheless, fundamentally the situation is one of uneasy equilibrium. Big business is still the tangible expression of gross inequalities in the distribution of wealth and income. In the second half of the twentieth century the society has yet to establish convincing legitimization for the power held by a few hundred great private organizations.

Apart from their bearing on the general structure of society, inequalities of wealth and income have been translated into issues that influence each individual's own life experience. The opportunities of everyone in a society to find satisfaction in life depend first of all on adequate food, housing, clothing, and medical care, and on protection from those impersonally contrived events which can expose the young to want of care and guidance, the family to hardships of unemployment, and the aged to bitter neglect. When considered in these terms, as well as in terms of group-power alignments, the hard realities of social-class differences emerge. Potentially, legislative power can redress much of this inequality through the taxing and spending powers and through the creation of a suitable administrative apparatus for providing services not adequately rendered by the market or private philanthropy.

In two major periods of policy experimentation in this country, in the nineteen-thirties and the nineteen-sixties, Congress demonstrated that the legal processes were potentially able to redistribute wealth. It did so through its increased aids to education, its social security and unemployment insurance, housing and food-stamp programs, and provisions for medical care. The persistence of gross inequalities even in the face of these acts shows that the problem is not one of authority but of competence and the will to use the authority available. Big business has been adept in holding its position, but the middle class has also not proved averse to holding down the scale of redistribution. Government—especially the federal government—has provided a broadening array of transfer payments effecting some redistribution of income and services, but it has been able to do so only because what was done was conservative and therefore politically acceptable: thus, unemployment insurance and

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social security have helped to maintain purchasing power and to even out the business cycle, but taxes supporting these programs have fallen heaviest on people of modest income.

As stubbornly persistent and even more deeply divisive have been the conflicts arising when inequalities of wealth and income are combined with racial differences. Slavery had formally legitimized white exploitation of blacks, and for nearly a century after abolition, white economic and social power, supported by legal subterfuge or indifference, maintained this supremacy. Here, again, privilege distorted the polity, the market, and social relations. Private violence together with legal devices long kept blacks from effectively exercising the vote which the Fifteenth Amendment had assured them. For a long time law sanctioned segregated schools. Police and courts applied the criminal law to blacks with a rigor, selective force, and frequent illegality which they otherwise showed only to poor whites.

For years the United States Supreme Court exerted the only major pressure against such oppressive uses of law. The Court was gradually able to strike down legal devices that denied the suffrage and to impose standards for nondiscriminatory selection of juries and fair procedures of trial. In a step of the greatest significance, they disavowed the court-made formula of "separate but equal," in ruling that racial segregation in public schools violated the principle of equal protection under law. Spurred by the Court's example and with strong presidential leadership, Congress broke out of a stalemate lasting three generations and, in 1965, enacted civil-rights legislation which, for the first time since the Reconstruction, provided mechanisms to enforce the constitutional guaranty of equal access to the vote.

While the impersonal market processes bore down cruelly on labor and consumers in the nineteenth and early twentieth centuries, they also had great potential for overcoming some of the damage done by racial prejudice, because, whatever the situation in other aspects of life, an individual can still bargain to some extent as a seller and buyer of labor or goods. Up to the middle of the twentieth century, whites had denied blacks equal access to these market processes—to jobs, credit, and decent housing. While law did not create these market discriminations, it lent them powerful support, if only by indifference. Public policy accepted inferior education for blacks and enforced covenants barring sale or rental of dwellings to blacks. In the fifties, public policy finally began to move significantly in the other direction: the Supreme Court ruled that a state violated the equal protection of the laws in enforcing racially restrictive covenants on the sale or rental of homes and in enforcing racial segregation in the public schools. After Congress legislated to protect collective bargaining, the Court ruled that unions thus enjoying government's favor were legally obligated fairly to represent the interests of black as well as white labor. In 1964 Congress included in its civil-rights legislation provisions against racial discrimination in employment, and it set up apparatus to implement the guaranty. Congress created public housing and welfare programs, which, while not limited to solving the problems of blacks, in effect provided some relief for disadvantaged minorities. By the nineteen-seventies there were only mixed and uncertain accomplishments in these fields, and much obvious failure. But the accomplishments have been sufficient to show that the direction of public policy has significantly changed toward freeing the market of racial restrictions and providing its processes with a chance to work toward the kind of equality of condition that the market is able to promote.

Racial discrimination reaches into all dimensions of life; consequently the wrongs

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or defects of public policy toward racial differences have ramifications not only to large allocations of power, but also to personal status and private experience. Therefore, public policy on race covers a much broader range of values than simply those involved in the polity or the market. Equal access to an adequate education is important not only for acquiring a better job but also for self-esteem and the ability successfully to associate with others. Beginning about 1900, state laws gave individuals equal access to such places of public accommodation as hotels, restaurants, and transportation, but it was fifty years before the federal government used its commerce power and the legislative authority conferred by the Civil War amendments to make this effectively a matter of national policy. At the same time, the Supreme Court conferred constitutional protection on inter-racial marriage and forbade the states to make race a criterion for defining crimes. These currents of law converged on a central proposition—that public policy should work to enhance the dignity of individual life.

Law together with social custom made gender an important criterion for allocating gains and costs in the life of the society. The sex criterion was argued mainly as it appeared to be used to the disadvantage of women. Public-policy concern with this issue has had a relatively short history. Married women's property acts were nineteenth-century products, but were of ambiguous significance—there is reason to believe that they were inspired more by the pressure of creditors to obtain security out of the wife's property for the debts of her husband than by a desire to make women equal actors in the marketplace. The nineteenth-century women's suffrage movement was largely unsuccessful; women were not given the vote until the Nineteenth Amendment was ratified in 1920. Some nineteenth-century laws provided special protection for the health of women in industry. But only recently has legislation declared against discrimination by sex in employment.

Women have since begun to press for other changes to put them on a legal parity with men over a considerable range of matters: the right of a married woman to establish separate domicile; equal access to publicly supported higher education and to private schools receiving federal funds; equal terms in receipt of benefits under unemployment insurance and social-security laws; removal of criminal laws directed only at women and of heavier criminal penalties for women under certain offenses; recognition of the woman's right to control her own body through modification of laws on abortion. On these and other issues, courts have begun to build a sizable body of doctrine implementing constitutional and statutory guarantees of equal status for women under law. Providing a frame for many such issues was the lively controversy which has attended the drive for an equal-rights amendment to the Constitution. Slow and uncertain as these developments have been, public policy appears to be directed toward giving women a more equal share in the life of the society.

Whatever the gains that have been made toward equity, special privilege grounded on differences in wealth, race, and sex continue to raise persistent questions about the moral and political legitimacy of the social order. To those most outraged by social injustice, law is simply the tool of the powerful. But wholesale condemnation of the legal order is too simplistic an explanation, and it also ignores the demonstrated utility of legal processes to redress or reduce inequalities. Expansion of the suffrage and of legal protections maintaining the independence of the electorate have helped keep political processes in substantial competition with the pressures of special privilege. For all its faults, antitrust policy has demonstrated a staying power that continues to place material limitations on big business. The trend toward

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enlarging legal regulation of the market on behalf of various constituencies—labor, investors, consumers, those pressing commonwealth values—shows that legal processes have the ability to disperse power. Taxation is at worst regressive and at best proportional in its impact. Yet, the idea of progressive taxation shows a tenacity which gives taxing and spending powers the potential for a substantial redistribution of wealth and income in the future. Civil-rights legislation has shown that the legislature has great flexibility in defining values of equality and providing administrative and judicial procedures to implement them.

The Supreme Court has recognized that the legislative branch is the prime agent of creative change in public policy, but legislation must move within constitutional limits. The general rule has been that the Court presumes that a constitutional basis exists for whatever the legislature does until the contrary is clearly shown. In practice, however, between the eighteen-nineties and the mid-nineteen-thirties, the Court often disregarded this presumption of constitutionality in cases where legislation limited freedom of contract. Beginning in the late thirties, the court has given full force to the presumption as it applies to economic regulatory legislation. However, in the fifties the Justices began to shift the burden of proof where legislation encroached on certain non-economic values. Initially, attention was directed to protecting the processes for making public policy; if a statute limited freedom of speech, press, or assembly, or the right to vote, a litigant relying on the statute carried a heavy burden of proof to show compelling reason warranting the regulation. The Court subsequently adopted the same approach in the matters of race. Drawing on the history of the Civil War amendments to the Constitution, the Court ruled that race was a suspect criterion for defining rights and duties under law; a statute providing that race determined its application was therefore presumptively unconstitutional. Decisions have been less clear-cut on the use of sex as a legal criterion, but at present several Justices seem ready also to treat sex as a suspect basis for statutory classification.

Whatever the more particular policy bases are that support these rulings, they embody a general concern to keep legislation under stricter judicial scrutiny in cases where public policy can be distorted by a gross imbalance of interests. In view of this, it is striking that the Court has not taken a similar line in cases where the law deals with, or responds to, inequalities of wealth or income. In the face of some dissent, the Court has continued to regard as constitutional any legislation that involves criteria of wealth in determining access to government services or in fixing economic rights and duties. Where allocation of economic resources has been in question, the Court evidently feels that broad discretion in the legislature is still needed.

Drift and Inertia in Public Policy

We must be cautious against exaggerating the degree of deliberate intent involved in these developments. Much of what happens in the United States happens without plan or design, without purpose, or desire, or even awareness of the direction in which affairs have tended. This was particularly plain in the turbulent nineteenth century, the more so because the combination of buoyant ambition and limited means readily taught people opportunism as a way of life. Proudly aware of its science and technology, the twentieth century might condescend to its forebear and see itself as pursuing deliberate goals, but this is largely an illusion. The twentieth century has been at least as exposed as its predecessor to undirected currents of events.

One example of this has been the growth of the cities. The city is a product of a

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vast accumulation of specific, calculated efforts—to provide water supply, surface and air transport, electric power, the means to guard public health and safety. But these are typically adaptations of particular means to particular ends. Taken as a whole, the cities have emerged without plan or overall direction. Public policy has typically responded piecemeal to urban problems, without any integrated pattern in its regulations of land use, air and water pollution, traffic control, safety, and so on.

The pace of events accelerated at a rate which regularly left public policy lurching along far in the wake of accomplished fact. Thus, in 1890 Congress passed the Sherman Act, reflecting the emergence of unprecedented issues of concentration of private power in the economy, but the new energies already stirring in the market far outran political will, and by the nineteen-twenties the country was committed beyond recall to a big-business economy at a time when various causes were operating concurrently to complicate law making. Big business grew rapidly, aided by science-based technology, increasing population to provide mass markets, and the development of techniques for industrial and marketing organization which combined with management-biased corporation law to give great scope for business-empire builders.

The new technology combined with social drift has also profoundly affected social organization and patterns of wants, needs, and skills. In limited, though significant, ways public policy has promoted scientific and technical knowledge by using public funds for education and research and by legally favoring research sponsored by business firms and philanthropic groups. The law has been much less successful in dealing with the social consequences of scientific and technological change. A case in point is the automobile. It has added vigor to the economy and increased opportunities for communication and recreation, but it has also carried horrendous costs in life and personal injury, in urban sprawl and policing problems, in air and noise pollution, and in the prodigal use of natural resources. When we give free play to technological change through the market, as we typically do, the results tend to outrun the capacity of policy makers to strike rational balances on behalf of commonwealth values.

Translating values into law is a potent means of educating people. When courts enforce standards of due process and equal protection, they help build public support for the ideal of responsible constitutional government. However, law makes only marginal contributions to prevailing values. The culture unfolds from diverse influences, generating expectations and their resulting frustrations which often have more than legislators or judges to do with fashioning the content of social life. One example is the shift in emphasis from nineteenth-century production orientation to twentieth-century consumption satisfaction. The shift has tended to drain vitality from the public sector; as Tocqueville warned in the eighteen-thirties, a society which learns to enjoy material abundance is inclined to withdraw into private satisfactions and to begrudge time or energy given to common concerns. Voter apathy provides one disquieting example of this tendency. Nevertheless, emphasis on consumption at least has produced more vigorous demands for legal order, for it has made people more insistent that both public and private powerholders justify their power by enhancing the general standard of living. Thus, consumption has provided a setting that favors expanding the protection of consumers in the market and displaying a more active concern for non-market values—open country, clean air, accessible streams and forests—which people have learned to incorporate into their conceptions of the "good life." Whether the consumption bias has restricted or enlarged the role of law, it

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represents a culturally determined influence which shapes public policy more than it is shaped by it.

The legal order has, however, generated its own forms of inertia or vested interest which have limited creative law-making. Defects of legal procedures are more conspicuous than limitations of substantive policy, for the temper of the times is more practical and open than previously to diverse experiments in the use of public power. Congress has encumbered itself with its stubborn tradition of fragmenting jurisdiction among standing committees. Both Congress and the state legislatures delegate power to administrators in terms too broad to permit ready checks on performance and do not equip themselves effectively with ways for learning what the administrators are actually doing. Presidential power has grown alarmingly, largely out of the default of Congress in wielding its potentially great powers of the purse and of investigation. The leadership in both the legislative and executive branches tends to concentrate its energies on enacting new programs and to be slack in overseeing the execution of policies already adopted. Both Congress and the state legislatures have paid inadequate attention to staffing and equipping trial courts so that growing backlogs of business threaten to swamp the judicial system. These institutional defects provide leverage for special interests and produce delays and costs contrary to fair and efficient dealing. In addition to other factors operating, therefore, the results derived from the law's own processes have done considerable damage to the social order.

Many strands are woven into the fabric of public policy—shared values, claims and contests over privilege, the results of institutional and cultural drift, and of vested interest. The constitutional ideal places all strands of public policy under a common judgment—that the products of both public and private power will be used in ways consistent with the public interest and in deference to the dignity and the worth of individual life. Although these are important elements of continuity, twentieth-century public policy has assumed its own distinctive character, one marked by persistent efforts to bring into harmony the values of the commonwealth and that of equal sharing among individuals. We can be certain that this is a never-ending search and will be a continuing process of adjustment.

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GERHARD CASPER

Social Differences and the Franchise

In its "return" to the Constitutional Convention of 1780, the Massachusetts town of Northampton went to considerable lengths to oppose property qualifications for elections to the House of Representatives. Restricting the franchise to freeholders and other men of property was thought to be inconsistent with the concepts and principles of personal equality, the social compact, native equality and freedom, and no taxation without representation. After an extended dissertation on these subjects, the voters of Northampton concluded:

> Shall we who hold property, when God shall have fully secured it to us, be content to see our brethren, who have done their full share in procuring that security, shall we be content and satisfied, we say, to see these our deserving brethren on election days, standing aloof, and sneaking into corners, and ashamed to show their heads, in the meeting of freemen, because, by the constitution of the land, they are doomed intruders, if they should appear at such meetings? the thought is abhorrent to justice and too efflictive to good minds to be endured.[1]

Though slightly ahead of its time, the Northampton remonstrance succinctly summarized the state of American debate on the franchise during the period of constitution-making. Something was considered wrong with making political status depend on property—that not everything was considered wrong is apparent when we realize that the Northampton objections pertained only to elections to the House of Representatives, not to the Senate, and were in fact based on the notion that in a bicameral legislature one chamber should represent property, the other, persons. Since everybody actually or potentially aided in securing property (one of the main functions of civil society), however, the right to vote could not be entirely withheld; it was the foremost expression of equal citizenship, that is, the right to participate in "the meeting of freemen"; and was the guarantor of "native equality and freedom." Northampton was ahead of its time in the sense that a few more decades elapsed before property qualifications disappeared in Massachusetts. When they did, however, they did so for both branches of the legislature.

The Massachusetts constitution of 1780 also focused attention on another, more difficult, aspect of the right to vote: equal representation. While representation in the Senate of the Commonwealth was linked to property and taxes, the constitution provided for the House of Representatives as follows: "There shall be in the Legislature of this Commonwealth, a representation of the people, annually elected, and founded upon the principle of equality."[2] What this meant in 1780 was the

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representation of towns adjusted for population size. The constitution reflected the American notion that majority rule should be based on territorial representation, or, put differently, on the assumption that "relevant political cleavages run along territorial lines."[3] In addition, towns and geographic districts were viewed as a community of interests, a natural constituency that made representation possible.

Nineteenth-century America treated the right to vote as a dialectical solution to the actual and potential conflict between equality and freedom. In gradually universalizing the suffrage, civil society made all citizens politically equal, pronounced the vote to be the "preservative of all rights,"[4] and left social inequalities largely to the free play of forces. This development was more radical than may appear to modern eyes. It was radical in providing that all citizens could share in popular sovereignty. It was radical in creating, rather than merely acknowledging, the contrast between political equality and social inequality. Finally, it was radical in its rejection of property as politically relevant.

While the expansion of the franchise took place in all Western societies in the course of the nineteenth century, the earliest, least ambiguous, and most inclusive instance was that of the United States. By the middle of the nineteenth century, universal male suffrage, though in practice mostly restricted to whites, had been conferred by law. In fact, however, the suffrage had expanded significantly even earlier, for the existing property and tax-paying qualifications frequently went unenforced.[5] In most of Western Europe, the same goal had not been reached until the end of World War I. Americans completed the process of universalizing the suffrage with the Fifteenth Amendment to the Constitution, ratified in 1870, and the Nineteenth Amendment, ratified in 1920.

The legal existence of universal suffrage had a symbolic significance of considerable political importance precisely because it proclaimed the political equality of all citizens. Karl Marx saw only half the story clearly: referring to the abolition of property qualifications for the right to vote in the American states, he wrote: "The state, after its own fashion, abolishes the distinctions of birth, status, education, occupation when it declares birth, status, education, occupation to be non-political distinctions."[6] Marx, of course, believed that the actual continuation of these distinctions was an antecedent to the "modern" state which defined politics in terms of abstract generalities and emancipation in terms of individual freedoms. As it turned out, the separation and juxtaposition of state and society, public and private person, were much more fragile than Marx seemed to assume. It was not the state, but this perception of the state, which emerged as a bloodless abstraction. Put differently, the abolition of distinctions in the concept of citizenship could not be neatly restricted to the political realm.

T. H. Marshall has distinguished three elements of citizenship: civil, political, and social. The civil element refers to civil liberties and such rights as are associated with civil capacity (the right to own property or conclude contracts), the political element, to the right to participate in the exercise of political power, and the social element ranges from the right to minimal economic welfare to the right "to live the life of a civilized being according to the standards prevailing in the society."[7] Marshall places the development of these elements in three successive centuries: civil rights in the eighteenth, political rights in the nineteenth, and social rights in the twentieth. If one allows for considerable overlap, the dating makes some sense; for our subject, however, the sequence in which they developed is considerably more important.

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Citizenship expanded from the formal equality of sharing capacities to the substantive equality of sharing goods. The political, economic, and social forces which caused this extension of the public into the private realm[8] easily invoked the seeming contradiction between political equality, on the one hand, and social and economic inequalities, on the other. "Second-class citizenship" is a concept well known to contemporary ears. As Reinhard Bendix put it with respect to Western Europe: "The juxtaposition of legal equality and social and economic inequalities inspired the great political debates which accompany the nation-building of nineteenth-century Europe. These debates turn on the types and degrees of inequality or insecurity that should be considered intolerable and the methods that should be used to alleviate them."[9]

What is peculiar about the movement from formal to substantive equality in the United States is the insignificant role played in it by the notion of representation. The national debates on the franchise, which took place subsequent to the era of constitution-making, centered on the right to be a voter, not on the concept of representation. Abolition of property qualifications, black enfranchisement, and woman suffrage all involved the equality of political capacities. Yet, voting is not merely an act of participation. It is supposedly performed with a goal in mind—representation; but voting does not in itself necessarily entail representation. At its best, representation is a tenuous political reality; at its weakest, a mere legal fiction. Whether our concept of representation is descriptive representation (John Adams's words, "an exact portrait, in miniature, of the people at large") or whether it is a concept of "acting for" rather than "standing for,"[10] it refers to looking after the interests of people. The question whether the interests of the newly enfranchised classes are indeed being represented by the electoral system has not emerged as a major constitutional issue until recently.

To be sure, there was one earlier period in American history in which electoral arrangements came under close scrutiny, namely, the progressive era. The progressives, however, were essentially against the system of representation; their various reforms all had the opposite goal in common—that is, the reallocation of decision-making power away from elected or self-appointed representatives to the unrepresented electorate. Initiative, referendum, recall, direct elections of senators, direct primaries, at-large elections of municipal governments, even the Australian ballot were all aimed at returning power to "the people." The question whom and what does or should a representative represent did not arise when "the people" were substituted for more discrete constituencies. Indeed, the substitution of at-large elections for ward representation, which frequently accompanied the introduction of commission and manager forms of municipal government, questioned territorial representation, the one element of representative government which had been stable throughout American history.[11]

Progressivism aside, one major development of substance before the so-called "reapportionment revolution"[12] was the protection against discrimination of the right to vote which eventually resulted in the "nationalization"[13] of the franchise. While in its last stages the nationalization of the right to vote was closely linked to the representation issues brought to the fore by the reapportionment jurisprudence of the United States Supreme Court, it also involved a different, conceptually narrower problem, having its origins in the peculiar compromises of the federal Constitutional Convention of 1787.

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The original federal Constitution did not guarantee the right to vote, nor did it provide for direct elections except for the House of Representatives.[14] Senators and presidents were to be elected indirectly, the former by the state legislatures, the latter by the electoral college, the members of which were to be "appointed" in such a manner as the state legislatures saw fit. To this very day, the right to vote for presidential electors is formally based on no more than the fact that all states have chosen to "appoint" the electors by means of popular election. The House of Representatives was to be popularly elected under the original scheme, but it was left to the states to determine who should have the right to vote. So far as the United States Constitution was concerned, the states were given control over voter qualification in both state and federal elections. The reasons for this rather extraordinary phenomenon lay in the inability of the Convention to resolve the issue of property qualifications versus the "democratic" franchise in a manner acceptable to all the states.[15] The gradual extension to all white adult males of the right to be a voter, which had been accomplished by the middle of the nineteenth century, was the result of state, not national, consensus. The rather feeble attempt by Section 2 of the Fourteenth Amendment to make it costly for the states to deny voter status to "male citizens, 21 years-of-age" collapsed quickly owing to the unforeseen consequences the provision had in the Northern, rather than the Southern, states. When, in 1913, the Seventeenth Amendment made popular elections of senators mandatory, voter qualifications were again left to be determined by the states.

Formally, the history of federal protection of voting rights is a history of protecting the franchise against particular types of "discrimination" and abuse. Substantively, it is a history of progressive enfranchisement of classes of citizens without general recognition of the franchise as a matter of federal-government jurisdiction. A century ago, the United States Constitution set out to protect the right to vote against "discrimination on account of race" (Fifteenth Amendment, 1870), sex (Nineteenth Amendment, 1920), "poverty" in federal elections (poll-tax abolition by the Twenty-fourth Amendment, 1964),[16] and, finally, "age" (Twenty-sixth Amendment, 1971, which lowered the voting age to eighteen after an attempt to accomplish the same goal by federal antidiscrimination legislation had failed so far as state elections were concerned).

While the Nineteenth, Twenty-fourth, and Twenty-sixth Amendments met with virtually automatic and complete compliance, the Fifteenth Amendment did not, and this serves to illustrate the rather limited nature of the original federal effort. Grandfather clauses, white primaries, and literacy tests have all been used by the states to deny the right to vote. While eventually these techniques were recognized as federally impermissible, the most formidable of the hurdles—the literacy test—was declared valid by the Supreme Court as recently as 1959.[17] It is fair to state that effective protection against racial discrimination of the right to vote began only when the Congress stepped in (Civil Rights Acts of 1957, of 1960, of 1964; Voting Rights Acts of 1965 and 1970). The Voting Rights Act of 1965 was by far the most drastic and the most effective of these enactments with its suspension of literacy tests and its provisions for federal control of the election machinery in certain states.[18]

Though this nationalization of the right to vote—furthered by an increasing willingness, even eagerness, on the part of the Supreme Court to enforce voting rights—is extremely important in practice, it is conceptually no more than the completion of a nineteenth-century task: universalization of the franchise. Its final

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stages were, however, accompanied by parallel developments which introduced a distinctly new element. For the first time since the Revolution, the United States was taking a closer look at the notion of equal representation.

The movement began as a demand for reapportionment, initially perceived as remedying the traditional problem of "rotten boroughs." Yet, the manner in which the rotten-borough phenomenon was defined early on suggested that something new was involved, although perhaps still unconsciously. Charles Baker, the man who, as one of the plaintiffs, gave his name to the Supreme Court decision which removed the jurisdictional barriers to reapportionment litigation, was chairman of the Shelby County Quarterly Court in eastern Tennessee, a fiscal, legislative body, which includes Memphis. Asked about his motives for bringing suit to obtain reapportionment of the Tennessee legislature in accordance with the mandate of that state's constitution, he replied: "We felt like if the legislature would reapportion itself according to the constitution, we could get a better break on state revenues coming back to our county."[19]

When the slogan "no taxation without representation" was popular, the issue it reflected was who should pay how much for a rather limited, relatively fixed noncontroversial catalogue of public tasks. But the question Baker voiced was quite different: not who should pay for common needs, but who should get what everyone pays for. One author has summarized the thinking of the Tennessee plaintiffs this way: "Of farm subsidies, there were enough from the national capital; of farm tax exemptions, aplenty from the state capital in Nashville. But urban governments went hat in hand. . . ."[20]

The modern state as a provider of subsidies and services has caught up with the conceptualization of representative government. Occasionally, this emerges clearly, even in Supreme Court opinions. When the Supreme Court, in 1966, upheld a section of the 1965 Voting Rights Act which abolished the English language literacy requirement for Puerto Ricans in New York, Mr. Justice Brennan wrote on behalf of the Court's majority: "The practical effect of §4(e) is to prohibit New York from denying the right to vote to large segments of its Puerto Rican community. . . . This enhanced political power will be helpful in gaining nondiscriminatory treatment in public services for the entire Puerto Rican community. Section 4(e) thereby enables the Puerto Rican minority better to obtain 'perfect equality of civil rights and equal protection of the laws.' "[21]

What is novel about these developments is that "segments" of the community which are identifiable in sociological terms appear in voting-rights cases because the system of representative government has failed adequately to represent their interests, i.e., to obtain for them those governmental services which are their due or which they believe to be their due. The universalization of the franchise which took place during the course of the nineteenth century was meant to remedy a general wrong—denying full citizenship by denying the vote. However fought over, the enfranchisement of new classes of citizens could be effected with relative ease. To be sure, administrative obstacles such as voter-registration laws, residency requirements, literacy requirements, etc., remained and, in some instances—notably that of black voters—turned out to be formidable indeed. Yet, symbolically the granting of the status of equal citizenship was in itself a major accomplishment. This cannot and will not be the case with "effectiveness" of the vote[22] and the fairness of representation. The new measures are bound to create sharp disputes over the distribution of political power.

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In the past, the question in representation of who gets what, when, where, and how has been answered in strikingly simple ways. Representation in the Congress of the United States was based, on the one hand, on the principle of the equality of states (Senate) and, on the other hand, on population as distributed by states. Thus, the number of representatives to which a state is entitled depends on the size of its population. As it developed, the system has been one of electing representatives by single-member districts: every two years a seat in the House of Representatives is awarded to that candidate who wins a plurality (not necessarily a majority) of votes. Essentially, the same system is used for the election of legislatures in the states, and, more generally, in the United Kingdom, Canada, and New Zealand. The major modification occasionally found in the American states is that of multi-member, instead of single-member, districts.

That this system has not been subject to controversy before now is, by almost any account, remarkable, for it enables pluralities to elect legislative majorities and it leaves minorities (which in actuality can be majorities) unrepresented. But the country has apparently felt that some invisible hand, in a rough way, would see to it that the results would not be too inconsistent with the concept of majority rule, "that as different opinions predominate in different localities, the opinion which is a minority in some places has a majority in others, and on the whole, every opinion which exists in the constituencies obtains its fair share of voices in the representation"[23] Underlying this is the further assumption that a communality of interests and the relevant political cleavages are usually defined in territorial terms. This does not mean that the system is impervious to other cleavages. As the example of Great Britain shows, district plurality representation is acceptable where a country perceives the relevant political cleavages to be along partisan lines. To some extent, this applies in the United States. Indeed, decennial reapportionment adjusts district lines exclusively from the vantage point of party cleavages. This can be done benevolently in the service of proportional representation[24] or malevolently in the service of gerrymandering.

One should probably take the relative lack of controversy regarding the American system of representation as suggesting that territorial-regional differences are important and that a territorial concentration of interests does prevail. The federal structure of the national government and local-government "federalism" on the state level may be viewed as reflections, or even causes, of the same conditions. One could argue that the prolonged maintenance of territorial districts has actually created distributive cleavages with territorial definitions.[25] By comparison with most of Western Europe, where some mode of proportional representation prevails,[26] the lack of controversy may also simply reflect a lesser degree of partisan conflict and class difference in the United States. In contrast, the struggle for proportional representation of political parties in Germany, for instance, began with the emergence of the Social Democrats in the last third of the nineteenth century and was considered to have achieved recognition as the very essence of the "modern" system of elections in the Weimar Republic.[27]

Probably the most important reason why these notions did not take hold in the United States is that, beginning in the late nineteenth century and continuing until today, the system of legislative representation has been supplemented by a system of interest representation. In effect, two interconnected modes of representation have existed side by side. While this is to some extent true for all Western democracies, the

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American system of interest representation is vastly more diversified and flexible than that in Western Europe.

In part, the representation by organized interests[28] is restricted to decision-making in the private realm. Thus, the whole system of collective bargaining is designed to procure benefits (such as higher wages) which ordinarily are neither granted nor controlled by the state, except in its role as employer. Enforcement of demands does not occur directly through the ballot box, but by means of strikes and other tactics. The importance to the individual of the benefits secured through collective bargaining is frequently perceived to be much greater than any benefits that might accrue from governmental services. Where the government appears as a major source of benefits, particularly "special" ones (those not shared equally by everybody), efforts at obtaining them are often made through representation by organized interests rather than through elected representatives. While these efforts may include lobbying, interest representation on governmental committees, commissions, and before administrative agencies and the courts (by means of "test" cases) are at least as important.[29]

The attacks on the system of legislative representation which began in the fifties originated with those segments of the population ("urban interests" and blacks) which, particularly on the state level, were underrepresented in both the system of legislative representation and in the give-and-take of pluralistic politics. As reform pressures grew, the established political systems came to be viewed as skewed against these groups and interests, making Justice Frankfurter's advice that they appeal to an "informed, civically militant electorate" and arouse "the conscience of the people's representatives" [30] seem illusory.

Responses to the question of underrepresentation have been varied and have been formulated in different arenas (primarily the courts, the Congress, and the political parties). Politically, malapportionment was not some abstract concept, such as "one man—one vote—one value," but, as exemplified by the case of *Baker v. Carr* in Tennessee, was seen as the underrepresentation of specific interests—in this case, urban governments. Political discourse on malapportionment used territorial concepts such as "urban," "suburban," and "rural." The vocabulary was traditional in stressing territorial considerations. It was nevertheless apparent that these concepts were at least partially congruent with others. The fact that this congruence was only a partial one made the debate on representation an extremely difficult one. Thus, while "urban" stood—to some extent—for "poor," "black," and "Democratic" and "suburban" for "middle class," "white," and "Republican," the fit was far from perfect. Furthermore, urban plus suburban areas constituted "metropolitan" interests which in combination could be pitted against the rural world, though again the lines drawn were far from clear.

With one exception, conceptualizations of cleavages such as these have been irrelevant to the Supreme Court's reapportionment jurisprudence. The Court has continued emphatically to reaffirm the great nineteenth-century fiction that the only relevant element is status as a voter. Chief Justice Warren elicited many amused comments for his observation that "legislators represent people, not trees or acres. Legislators are elected by voters, not farms or cities or economic interests."[31] Warren also said "that the fundamental principle of representative government in this country is one of equal representation for equal numbers of people, without regard to race, sex, economic status, or place of residence within a state."[32]

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Empirically, Warren's statements were easily falsifiable. If, however, one substituted the imperative mode for Warren's indicatives, the Chief Justice was not altogether wrong. For much of its history, and in spite of (or because of) the system of interest representation, the country has avoided theories of legislative representation which tend to confer legal and constitutional status on distinctions such as race, sex, or economic status. These had previously been declared—to use Marx's expression—"non-political" distinctions. This romantic fiction not only had the advantage of simplicity, but it also served as a normative denominator: it de-emphasized differences, calling instead for attention to the citizenship held in common.

Thus, the Supreme Court has usually treated reapportionment cases as if they were right-to-vote cases and has focused "on something called individual voter weight"[33] without any detailed analysis of the concept of representation. "Equal representation for equal numbers of people" is essentially an empty slogan if the emphasis is on equal numbers. "Neutral," computer designed, mathematically equal districts—if regularly redrawn—accomplish only one normative goal: they give equal numbers of people access to a "representative." This is not to say that, in fact, the Supreme Court's jurisprudence has not helped to even out the egregious differences in the "amount" of representation possessed by rotten boroughs, on the one hand, and growing metropolitan areas, on the other. Yet for all its revolutionary appearances, the Supreme Court's reapportionment jurisprudence has by and large been a very conservative reform enterprise.

In one respect, this characterization is not adequate. Gradually, and under specific circumstances, the Court has come to consider racial and ethnic characteristics as salient for purposes of legislative representation. In so doing, the Court has gone beyond the lead of federal legislation, in particular the 1965 Voting Rights Act with its various amendments, which initially singled out blacks and Puerto Ricans for special federal government protection of their voting rights against state discrimination.[34] In spite of the sweeping means chosen by the federal government for protecting the right to vote, the legislation can be seen as merely completing the universalization of the right to be a voter. The additional steps taken, after considerable hesitation, by the federal courts are far more drastic: they mandate legislative representation qua a racially or ethnically identifiable group.

In theory, the Supreme Court had recognized for some time that all district-based elections decided by plurality vote with their winner-take-all aspects, their tendency to submerge minorities, and to overrepresent the winning party were problematic from the vantage point of equality. Thus, Mr. Justice White commented in a case involving an attack on a multi-member district: "Moreover, if the problems of multi-member districts are unbearable or even unconstitutional, it is not at all clear that the remedy is a single-member district system with its lines carefully drawn to insure representation to sizable racial, ethnic, economic, or religious groups and with its own capacity for overrepresenting and underrepresenting parties and interests and even for permitting a minority of the voters to control the legislature and government of a state."[35] Yet, the Court was clearly unprepared to hold that all district-based elections decided by a plurality vote violated the equal-protection clause. Instead, the Court indicated that the occasion might arise when plaintiffs could successfully demonstrate that a multi-member district operated "to minimize or cancel out the voting strength of racial or political elements of the voting population."[36]

In 1973, the Court took the plunge in upholding a district-court decision which

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had invalidated multi-member districts in Dallas County and Bexar County, Texas, and ordered their reconstitution into single-member districts. While the emphasis in the Dallas portion of the Court's opinion in *White v. Regester*[37] was on past and present discrimination against blacks in connection with the electoral process itself, the Bexar County part of the decision, though also referring to a history of voting discrimination, stressed "the cultural and economic realities of the Mexican-American community in Bexar County." The opinion looked to the electoral process as a means of eliminating discrimination "in the fields of education, employment, health, politics and others." The point of the matter is that in the context of a prolonged exclusion of identifiable classes of citizens from all stages of the political process and from equal educational opportunities, the Court has granted recognition to racial and ethnic distinctions as relevant to the notion of fair representation.

Nevertheless, one has to be extremely careful not to overstate the significance of *White v. Regester*. The case may simply be viewed as a temporary "corrective action," a slight departure from the ordinary denial of a right to representation to specific segments of the population. One can read the decision as merely saying that so long as the normal, established channels (political parties) remain closed to minorities, the Court will see to it that they get some representation. On the other hand, in order to arrive at that judgment, the Court will not only look at "opportunities to participate," but also at opportunities to achieve representation. For the time being, there can be no doubt that the country has taken some preliminary steps in the direction of constitutionally mandated group representation.[38]

Parallels to these developments can, of course, be found in the various "affirmative action" programs for the benefit of minorities and women in such areas as education, employment, and housing. These parallels are only parallels. From a historical point of view, it seems a less drastic step to take group differences into account for purposes of social legislation (an issue debated with considerable divisiveness even so).[39] Since the abolition of property qualifications for the right to vote, it has been the very essence of the American theory of political representation not to develop constitutional formulas for determining, in the abstract, what interests get how much representation. One might say that what is different about the "corrective representation" is not the existence of black or Mexican-American election districts—there have always been "Polish," "German," and "Italian" districts—but the willingness to develop legal formulas to overcome the resistance of political establishments against "voluntarily" granting a measure of fair representation to certain groups. The difference is the more apparent because these developments began shortly after the Supreme Court had reaffirmed "the fundamental principle" of equal representation for equal numbers of people without regard to race, sex, or economic status.

In recent years, we have seen a considerable increase in the willingness to attach political status to social characteristics. Best known is, perhaps, the short-lived attempt of the Democratic Party to develop representation quotas for minorities, women, and youth. In retrospect, perhaps more than at the time, it is somewhat astonishing with what ease major elements of a voluntary association such as the Democratic Party could be persuaded that in order to be representative, the party had to reflect the demographic composition of the population at large. While mandatory quotas have been expressly prohibited by the 1974 Charter of the Democratic Party, giving way to affirmative-action requirements, the Charter prohibition of the unit rule and the mandating of proportional representation for the preferences expressed by

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those who participate in the presidential nominating process continue the quest for equal representation. Nobody knows for sure whether proportional representation will facilitate or make more difficult the performance of aggregating and mediating functions.

The 1971 Federal Election Campaign Act and its important 1974 amendments constitute the major attempt to equalize differences in economic status among participants in federal elections. While considerable portions of the legislation did not survive Supreme Court scrutiny,[40] those parts which remain are a radical attempt to equalize political opportunities by reducing the influence of large contributions on the political process. This is particularly true of the public-financing provisions for presidential primaries and elections. In the interests of bridging the gap between formal political equality and substantive inequalities, the welfare state now counts political parties and candidates among its clientele. It hardly comes as a surprise that the most interested, best organized, and largest of the political parties—the Democratic and the Republican—will also be the major beneficiaries of the legislation.

The movement from equal civil rights to political rights to social rights has come full circle back to the issue of equal political rights. As social rights are concerned with substantive equality in the sharing of goods, the question of political rights now focuses on substantive equality in the sharing of power, not merely the formal equality of political capacity. Indeed, the two are closely interrelated. As the reality of substantive equality in social rights has been eluding discrete segments of the citizenry, it was natural to ask for real power so as to enhance the chances for real equality in the social sphere.

Part of the problem lies in the elusive nature of the social benefits to which the system of representation is being linked. T. H. Marshall clearly perceived the difference between civil and political capacities on the one hand, and social rights, on the other. His statement of the matter deserves quotation:

> Benefits in the form of a service have this further characteristic that the right of the citizen cannot be precisely defined. The qualitative element is too great. A modicum of legally enforceable rights may be granted, but what matters to the citizen is the superstructure of legitimate expectations. It may be fairly easy to enable every child below a certain age to spend the required number of hours in school. It is much harder to satisfy the legitimate expectation that the education should be given by trained teachers in classes of moderate size. It may be possible for every citizen who wishes it to be registered with a doctor. It is much harder to ensure that his ailments will be properly cared for. And so we find that legislation, instead of being the decisive step that puts policy into immediate effect, acquires more and more the character of a declaration of policy that it is hoped to put into effect some day. . . . The rate of progress depends on the magnitude of the national resources and their distribution between competing claims. Nor can the State easily foresee what it will cost to fulfill its obligation, for, as the standard expected of the services rises—as it inevitably must in a progressive society—the obligations automatically get heavier. The target is perpetually moving forward, and the State may never be able to get quite within range of it. . . .[41]

There are two major problems associated with the contemporary pursuit of fair representation. The quest for substantive equality always involves extremely complex processes of determining what are the salient characteristics for the purposes of providing equality. Since it is in the nature of formulas for the distribution of benefits that they be based on easily identifiable and relatively stable criteria, individuality and freedom are sacrificed in the pursuit of classification. There is little dispute about

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the price in liberty which has to be paid for the welfare state; the debates are only about whether the price is worth it. The answers may differ according to what is at issue. Thus, while it may be entirely proper and desirable to treat certain social groups as a class for purposes of social legislation, it may simply be too costly to do the same for determining shares of political power. Not only is there the obvious danger that we enhance and freeze, rather than ameliorate, cleavages, but there is also the threat to the liberty of those members of a demographically identifiable group who do not care to be "counted" as a member of that group for political purposes.

The second problem created by the quest for equally effective and real power is that the difficulties of definition are enormous. Of course, this does not mean that citizens should be satisfied with formal equality within the historically determined framework of representation. Yet there is the danger that disappointments will be greater than accomplishments, that the goal of equality will elude us as each governmental intervention creates new political inequalities. The price we pay will not only be in disappointment and frustration, but also in the sacrifice of the simplicity, and therefore the intelligibility and stability, of the relatively rough forms of representation that have prevailed so far.

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[15]Pole, *Political Representation in England and the Origins of the American Republic*, pp. 359-61.

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NATHAN GLAZER

Liberty, Equality, Fraternity—and Ethnicity

IT HAS ALWAYS BEEN DIFFICULT FOR AMERICANS to understand the revolutionary slogan of France, "liberty, equality, fraternity." The first two terms are clear enough: they frame the central issues faced by society and polity in the modern age, neatly juxtaposed and in some sort of inevitable conflict. We all understand that the desire for liberty—for freedom of action—regularly comes into conflict with equality, the overwhelming tendency in modern society to ensure that each man (and woman, and perhaps child) count for one, and no more than one. The conflict can be more or less sharp, but it is impossible except through sophistry to eliminate it. During the days when the New Deal was for the first time trying modestly to redistribute income in the United States—through such programs as the WPA, aid to poor farmers, social security, aid to dependent children, unemployment insurance, public housing—the notion that the freedom of individuals was in some substantial measure reduced by the modest taxes that were then required for these jointly determined national efforts to introduce a minimal level of decent living seemed extreme, ideological, and outlandish. The inexorable growth of such programs and the inevitable addition to them of new programs (in health care, food distribution, work training) have substantially increased the burden of taxation, and they make less outlandish the notion that when the government deprives one of income in favor of some publicly accepted program of redistribution of goods, services, or income, it is taking away from "liberty" in order to increase "equality." But it takes a Milton Friedman or a Friedrich Hayek to get angry about this kind of restriction of liberty in favor of equality. Taking away some of one's income and property is still—*pace* John Locke—the most modest and acceptable form of reducing liberty in favor of equality.

It is other kinds of deprivation of liberty that more properly arouse concern and anger. The restriction of liberty of religious and political discourse, publication, and participation is what first and principally aroused the defenders of liberty and the philosophic formulators of a defense of liberty. But between the restriction of income in order to assist in achieving a greater equality and the deprivation of the freedoms of speech, and movement, and of religious and political activity, there remains a huge range of governmental action to promote what would appear to many to be legitimate equality. It is in this middle range that new issues have quite suddenly emerged in the United States in the past ten years. Here, perhaps, that obscure third term, "fraternity"—which the French felt they needed, and we felt we didn't—now becomes important.

Undoubtedly the revolutionary French felt a term like "fraternity" was necessary

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to express their objectives for a good society because there were such radical social divisions among the French, divisions going back deep into their history, expressed in law, dividing them into estates with different rights, privileges, ways of life, and expectations. These would be swept away. In the United States, in contrast to eighteenth-century Europe, a remarkable social uniformity prevailed. There were no titles—except those brought over from Europe; law did not govern and regulate social status. There was only one great division in society—that between the slave and the free. But among the free, according to most observers—it would, of course, hardly seem so to us after two hundred years of further progress in our expectations of, and the reality of, equality—a remarkable equality and uniformity prevailed. Even those few legal distinctions that still existed among the free (on the basis of religious affiliation or wealth) did not long survive the Revolution.

In the eyes of foreign visitors, "fraternity," in the form of the democratic intercourse among white and free Americans, was already so far advanced as hardly to need assertion as a distinctive goal. The chasm between white and black, slave and free, seemed too great for any ideal of fraternity to bridge. "Liberty" and "equality" alone seemed sufficient for the new nation. It was within these two terms and with these two terms that the United States tried to deal with the greater diversity that arose among the white and free population with the rise of immigration and the creation of a great nation drawn from more varied ethnic sources than any other in the world.

Until, perhaps, the mid-nineteen-sixties: then the effort to deal with the varied facts of ethnicity and race within the framework of liberty and equality alone broke down. I do not believe we have yet reached any consensus as to how to overcome the breakdown, but the third term, "fraternity," while it does not give us a solution to the problems that have arisen, suggests something about their nature. In a word, "fraternity" in the United States—as against an ethnically homogeneous nation such as France—faces two ways. On the one hand, it suggests a united nation; but, on the other, it reminds us that the basis of fraternity in the United States is narrower than the whole nation. We will explore this two-faced nature of fraternity later in this essay. The task now is to describe why "liberty" and "equality" became insufficient to encompass the racial and ethnic crisis of the later nineteen-sixties.[1]

It had been expected that they would be: that the freedom to vote, to enter public places without stigma or limitation, to enter schools of one's choice, to organize politically without fear of economic and physical reprisal, that is, a full equality of blacks and other groups in every realm of public activity, would solve the crisis. To ensure this liberty and equality, some of the most radical legislation in American history rapidly moved through Congress: in 1964, a civil rights act banned discrimination on account of race, color, religion, and national origin in places of public accommodation, in public education, in federal programs and federally assisted programs, and in most areas of private employment; in 1968, discrimination in the sale or rental of most housing was added; in 1965, a striking measure swept aside state or local action to limit the right to vote—all state or local powers to regulate the franchise were automatically suspended if the proportion of people voting fell below 50 per cent of those eligible.

All these sweeping actions were upheld by the courts as constitutional. They seemed to most people to raise no problem of conflict between "equality" and "liberty," though undoubtedly the legislation—and its subsequent interpretations—

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infringed strongly on the liberty of employers, renters and sellers of housing, and proprietors of places of public accommodation to exercise discriminatory tastes. This seemed an infringement modest enough to bear in view of the great public good expected from this legislation.

But the achievement of equality in a multi-ethnic society turned out to be a rather more complicated matter than the civil-rights legislation of the nineteen-sixties and the public opinion that supported it had expected. In its simplest form, the unexpected issue was as follows: Equality had regularly expanded its meaning. Among large groups of the population, it no longer meant a formal public equality but a *concrete* and *actual* equality. However, as was soon clear, the right to entry (as well as actual entry) into schools without discrimination was in fact quite different from the right to equal test scores and equal achievement; the right to employment without discrimination did not mean that the average income of each group or its distribution within occupations would match that of every other group; the right to rent and purchase apartments and houses did not bring with it the income to afford the apartment desired; the right to register and vote did not necessarily mean that equal proportions of each group actually did register and vote and exercise "equal" political power.

The reason that "equality of opportunity" did not automatically bring "equality of results" lay in the concrete differences that had developed in, and characterized, different racial and ethnic groups. And thus the two faces of fraternity came into conflict: the national fraternity which meant that all would be equal and alike was inhibited by smaller circles of fraternity, built around race and ethnicity, which created their own cultures, values, aspirations, and behaviors, and which, whatever their superficial similarities (didn't everybody watch the same television shows?), ensured an actual difference.

This conclusion as to why the new liberty and the new equality of opportunity did not result rapidly in an actual measured equality in such key social indicators as education, wealth, occupation, residence, and voting was not uniformly accepted as the correct one. The public authorities were in any case expected to be formally blind to group differences—neither religious, ethnic, nor racial differences were to play any role in public law after the middle nineteen-sixties, except for the purpose of facilitating the elimination of differences in achievement of groups (and except for the idiosyncratic and special position of American Indians). Since public law banned discrimination, the government decided to take *all* evidence of difference as a signal of *possible* discrimination. If there were more blacks in a public school or college than their proportion in the school population, if the number of eligible voters who actually voted in Brooklyn fell below the suspect 50-per-cent mark, if there were fewer blacks (or some other group that was the special object of government concern) employed in some occupation than their numbers in the population made plausible, if blacks (or some other groups) were not evenly distributed throughout a metropolitan area, this could, in the light of American historical practices, mean actual and current discrimination or, failing that, the heritage of past discrimination. That it could result from any other cause than intended discrimination was difficult for public officials and courts to recognize.

The law developed at different rates in different realms. Since the law required it, government needed to make no complicated argument to intervene in setting local voting requirements if the proportion of voters fell below 50 per cent of those eligible. In the case of schools, the law as interpreted by the courts put on the school boards

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the burden of proof in explaining departures from an even racial distribution; they would then have to show that the deviations had not occurred as a result of any discriminatory public action. In the case of employment, employers were narrowly ringed with guidelines set by government departments, administrative agency decisions, and court judgments: in effect the burden of proof was on them, too, to demonstrate that deviation from some statistical norm was not the result of discrimination.

A broad general principle began to emerge, underlying all these areas of policy: any deviation from statistical parity could, and should, be interpreted as owing to unconstitutional discrimination. If it was not the discrimination of the current school board, or employer, or housing manager, or local jurisdiction that was responsible, then it was the discrimination of their predecessors, for whom redress must be made; if it was not the discrimination of school boards or employers or housing managers at all that was responsible, then some other branch of government must have created the illegal discrimination. Thus it was perhaps the discriminatory behavior of realtors (governmentally licensed—and therefore acting in some respect as public agents) excluding blacks from good residential neighborhoods with good schools that was responsible for poor black-student school performance; or perhaps it was the schools, improperly segregating black children, who were responsible for their poor performance on tests for employment; or perhaps it was employers, improperly discriminating against blacks, who prevented them from acquiring the income that would permit them to move into better neighborhoods and get better schooling; and so on and so on.

In each case in which numbers showed that a group had not achieved parity by some measure, some showing of governmental dereliction could be made. Perhaps it could not be shown that the specific responsible agency of government had directly discriminated (Discrimination I), but some other agency might have contributed to, or led to, improper representation in the first area (Discrimination II), and, even if no governmental agency at all had contributed to the result, some occupation or profession that was either governmentally licensed or governmentally affected (almost everyone, it turned out, might be discovered to be the beneficiary of, or a contractor for, government services and thus in some sense a government agent) might have contributed (Discrimination III), and so on and so on.

The secondary boycott is considered an unfair labor practice: one cannot picket the employer who simply does business with the employer against whom one has a grievance. But this principle plays no role in discrimination law as elaborated by government agencies and the courts: if there is inequality, someone is responsible and someone must be found to provide redress. But at the bottom of such an approach is one unexamined assumption: All groups would, in the absence of discrimination, be distributed equally in all realms of society. To what extent this is the assumption of the "common man," I do not know; but it is certainly the assumption of government administrators and judges, and even, surprisingly enough, of many social scientists studying group differences who might be expected to take the reality of group differences more seriously.

Thus, consider one scholarly definition of "racism": "Whatever acts or institutional procedures help create or perpetuate sets of advantages or privileges for whites and exclusions and deprivations for blacks." The sociologist Robin Williams comments that, by this definition, "racism is being practiced whenever white parents aid their children to get a good education, assist them in locating jobs, or allow them to inherit property. No doubt unequal advantages are involved in these practices, but how is

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clarity served by lumping them together with gross and explicit racial exclusion and denials of opportunity?"[2]

In other words, the basic assumption of anti-discrimination law, as it has evolved in the hands of government agencies, has been upheld in the courts, and argued for by legal and social science advocates, is that whatever differences between groups are found in the key areas of modern life, they are in the first instance—and unless proved otherwise—to be attributed to unconstitutional discrimination by government or by private parties that could be and should be restrained by government. Alternative interpretations are barely considered. Indeed, any discussion of them is likely to create such a storm of protest and charges of racism that in effect the field is held secure for this one central interpretation—one which contradicts everything we know about human diversity—that all differences are created by the intentional design of governmental authorities.

The reality that many people try to resist is that equality of opportunity and of treatment, insofar as we can measure it, will not automatically lead to an equal outcome for all groups—at least not rapidly. It appears that the simple liberty to compete, regardless of our effort to equalize the starting points, will lead some students to move far ahead and will prevent an equal outcome. We will find the same patterns in economic life: a measured equality of starting point seems to have only a modest influence on eventual outcome, as measured by income and occupation.[3]

The liberty to compete educationally and economically will lead to inequality, even starting from an equal position, and even, indeed, taking into account the fact that some groups start with initial handicaps of private and public discrimination. It is well known that minorities in many countries are disproportionately successful educationally or economically even though such minorities face discrimination. These minorities include Jews, Lebanese, Chinese, Indians, Armenians, Ibos, and many other groups, though no one makes the claim that persons from these groups are uniformly successful in all circumstances. This is not to say that the discrimination such groups have faced, and do face, is irrelevant to success educationally and economically: even the groups that are disproportionately successful, one assumes, would have achieved more in the absence of discrimination.[4]

If, then, liberty leads to inequality, even when an initial equality exists, even indeed when certain achieving groups are handicapped severely (of course it is more common for handicapped groups to fall behind, but as we have seen this is by no means always the case, nor are the exceptions inconsequential), a dilemma is created for a democracy which judges its success by the degree to which each group approximates the average in key indicators of success and well-being. One common approach to dealing with this problem is to insist that any difference that exists is attributable to an unfair and now illegal discrimination by public authorities and private individuals and institutions. One can hold such a view firmly in the face of all counter-evidence. This point of view is particularly strong among the better educated, among lawyers and judges, and among government administrators. Any cause of group difference other than discrimination, past or present, is simply not admitted. One can give quite fantastic examples of the contortions of legal reasoning that attempt to avoid these realities of difference which may not have a base in discrimination.[5] Rather than multiply such examples, one need simply refer to the one overwhelming fact that would undermine interpretations of difference as owing to discrimination: Some minorities that have met discrimination have not only achieved

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equality but more than equality in many significant measured areas. When reality is ignored or suppressed, and illusion prevails, there are good reasons for it.

There is one basic fear that motivates this denial of reality: if one admits that differences between groups are real, and admits they may be based on something other than discrimination, one opens the way to the possibility of attributing these differences to genetic inheritance that cannot change except over many generations. This would mean giving up the hope that over time a rough equality in group distributions would emerge through competition between individuals, and it would mean, perhaps, accepting the justice of differences that do exist because they are based on inborn competence. (Even if this were the cause of differences, the justice of such an arrangement could of course be denied, as John Rawls and others do.) In non-essential areas of achievement, ethnic differences may be admitted and accepted—the achievement of blacks in basketball and baseball, of Jews in chess and classical string playing (in the past), Koreans and Japanese in classical string playing today, and the like. No one seems much concerned that admitting the existence of such differences may open the way to genetic explanations. But in the major areas which give power and prestige—education, income, occupation—we find a denial that inborn differences can be large or important.

Unfortunately one cannot reassure those frightened of the possibility that significant differences of achievement in education, the professions, and income may have a genetic basis. It is not absolutely impossible. But at least the matter is sufficiently complicated to require a very long time indeed before we can move from what we know about human heredity and its complex interaction with environment today to a conclusion as to what, if any, part of human differences in living societies can be attributed to heredity. We have gone only a few steps on that road—steps dogged by the insistence of many, scientists and non-scientists, that we must not proceed further for fear genetic grounds of difference may be more sharply revealed. One can reassure those with such a concern that we seem far from any such resolution today.[6]

The fear that some biological and hereditary component to human group differences may be found is not only based on concern for the achievement of a wider and more stable equality: a pseudo-scientific theory of fixed biological characteristics in races was the starting point for Hitler's monstrous doctrines and the ensuing horrible massacres. And yet it may be argued that no biological theories were needed for the other massacres of peoples which have taken place in the past—differences of religion, language, wealth, caste, or what you will, have been sufficient to mark off one group as different from another and to lead to cruel treatment rivaling Hitler's in intention, even if no one has yet rivaled him in the technical means for the carrying out of hate.

The fear of difference between groups among those seeking greater equality now spreads to *any* effort to explain difference, even if it has nothing to do with biology. During the years when social scientists tried to combat the racist theories of Nazism, they emphasized other, more plastic sources of human difference, which could be summed up in the term "culture." Franz Boas, Ruth Benedict, and other distinguished anthropologists felt that if they could persuade people that differences among groups were not genetic but cultural—based on the transmission of custom, practice, values, ideals, rather than genes—that they would be more tolerant of difference, would understand that people are not fated biologically to be what they are, that group characteristics could change rapidly as environment, incentives, and policy changed. In the days of Hitler, to speak of race was retrograde, to speak of culture was progressive.

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Today, it is considered almost equally retrograde to speak of culture—that will also not be accepted by much educated opinion as a legitimate explanation of difference in place of an explanation based on public or private discrimination. That groups may differ in tastes, values, practices, stemming from history and custom is considered almost as dangerous a suggestion as the idea that groups may differ because of genetic selection. There was, after all, no hint in Daniel P. Moynihan's famous report on the Negro family that anything aside from slavery and discrimination had shaped it, but he was nonetheless attacked as a racist. The Boas and Benedict hope that an emphasis on environment, nurture, and culture in explaining differences would be compatible with a liberal and progressive outlook has foundered since about the middle nineteen-sixties, for such a doctrine appeared, by explaining, to justify differences: only if differences were owing to discrimination was the dangerous possibility eliminated that they could be justified by being shown to have some rational and functional explanation.

We may see coming up on the horizon new scientific explanations for difference, and one wonders what *their* fate will be. Thus, as against either hereditary or cultural or general environmental explanations of differences in intelligence, we now have the beginnings of a very specific kind of explanation based on family size. This is also environmental, but in a rather narrow sense. There is some evidence that intelligence declines regularly with size of family of origin. One theory that seems to have considerable merit explains this decline by family configuration: the larger the family, the less the influence of adults and older children in raising the intellectual level of the immediate environment of each subsequent child. This family-size factor seems to be at work even after one takes account—as one must—of the well-known large socioeconomic influence in measured intelligence. If one takes into account that size of family varies greatly across ethnic and racial groups, one has a totally non-genetic explanation of differences in intelligence between groups, and if one takes the position that education is relevant to some tasks in some degree, one can explain some part of occupational difference.[7]

This explanation of differences in intelligence is too recent and too little known—compared with genetic and looser cultural and environmental explanations—to have aroused much response, but one can hazard the prediction that it will have no happier a fate than genetic or cultural explanations. The family-size theorists may also discover to their astonishment that they are "racists," illogical as the label may be, merely because they give *some* explanation for human difference that is not simply discrimination.

The fear of the recrudescence of racist theories is the first reason for the denial of difference; this becomes expanded into a fear of cultural explanations which seem to justify differences; and finally a fear of any kind of rational, systematic, and functional explanation of difference, whatever it is. Difference itself is the enemy.

A second current approach to explaining the differences generated by liberty is to argue that, whatever they may be, they are too insubstantial to account for, or justify, differences in education, occupation, and income. Thus Bowles and Gintis argue that differences in educational achievement play no role, functionally, in making one person more effective economically than another. Rather, differences in socioeconomic background generate unimportant differences in educational achievement, which are then used as an excuse to maintain privilege in a meritocratic society which could not take social origins directly as a legitimate source of difference of reward. Or the tasks of modern complex societies, it is argued, are not as solidly based on training and capacity

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as we have been led to believe—many people can perform them, and educational differences are simply used as an excuse to select those who have already been assigned a privileged place by birth. These arguments are ultimately based on empirical findings regarding the real differences in achieved position attributable to educational achievement independently of socioeconomic background, and—a more difficult task—the real contribution of merit—whether developed by education or only recognized by it—to productive tasks. They may be weakened by further research.[8]

There is a third contemporary approach to rejecting the significance of group differences: this neither denies them nor depreciates them, as do the first two approaches. It simply asserts that whatever the differences among individuals (and presumably among ethnic and racial groups) may be, there is no legitimate theory of justice by which these differences—whether biological, or cultural, or based on effort, or on luck can be used to reward individuals differentially. Our passion for egalitarianism is such that the theory which best expounds this point of view has been seized upon with enthusiasm,[9] even though it has not been without critics arguing against it on various grounds. What is most striking about the theory for our discussion is its denial of any ground for differential reward, unless it benefits the least advantaged. Whole bodies of morality are thus swept aside. Inherited beauty and physical capacity, developed charm or wit should be no basis for differential reward (even though it is not this kind of difference that agitates peoples—people in general seem least resentful about the differential rewards of entertainers and athletes).[10] What is startling is the broad acceptance this notion of the separation of merit from return has achieved, despite the fact that the notion that merit should be rewarded plays a substantial role in every traditional system of morality, and even in the system of morality that can be drawn from Marx. P. T. Bauer writes, arguing against Gunnar Myrdal:

> Why should everybody be entitled to substantially the same income, simply by virtue of being born, and regardless of conduct, motivations, faculties and contributions to the economy? Why should it be inequitable that people who revere animal life, or who do not let women work outside the home, or who do not exert themselves greatly, should have lower incomes than do others who do not impose such restraints on themselves? Or why should it be inequitable that the Chinese in Malaysia and Indonesia, or the Indians in Burma, or the Europeans in South Asia should earn higher incomes than do the indigenous populations, when they work harder, often face great hardships, and incur risks far from their countries of origin?[11]

Presumably when these questions were asked, P. T. Bauer thought they were, at least in part, rhetorical. It has now been explained—and broadly accepted—why reward should be separated from effort.

The question raised by this excursion into recent intellectual history is what kinds of differences among people a contemporary society, and the modern mind, will be able to tolerate. Undoubtedly our level of tolerance for difference (or inequality) has been greatly reduced when considered in the broad reach of history. All societies, except perhaps some of the most primitive, have shown substantial differences in the enjoyment of basic goods—food, clothing, shelter, sex, knowledge, prestige, and the like. These differences have generally been justified by tradition, and in more complex societies they have been further justified by resort to religion—inequality was the will of God or the gods, who in their wisdom had determined this state of affairs. With the secularization of the world this would no longer do, and rational and

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functional explanations of differences were consequently developed. They have received surprisingly wide acceptance among the common folk, who believe that success is the result of merit and hard work, along with a good deal of luck, and are not inclined to argue about it. But these explanations have less power among the better educated, who find rational and functional explanations inadequate.

When these inequalities coincide with ethnic group lines, tolerance of difference declines still further. Then even the common folk, in groups that on the average have less, will be unwilling to accept the legitimacy of the prevailing distribution. Or, perhaps, at one level, they accept its legitimacy; people in groups with less are remarkably candid in attributing the circumstances of their group to its characteristics: "We don't work hard enough," "we just like to sit around in the sun and sing and dance," "we spend all our money on cars and women," "our kids don't buckle down in school," "we don't stick together and help each other," "we distrust each other"—one will run into such statements among the less successful groups in many societies. But, at another level, people in such groups also recognize the benefits they may get from either their political power—if they are in a majority or in sufficient numbers to cause trouble—or the power of the prevailing ideologies generated among the more highly educated, which tells them they are unjustly deprived and have a right to as large a share of the good things as anyone else. It would take an act of heroism for the first kind of explanation of ill fortune, based on observation (as well, of course, as on stereotype) to stand up against the second—and it does not.

And here we return to that ambiguous and obscure term, "fraternity." It appears that, so long as a group is bound by some sense of fraternity, it will tolerate substantial differences *within* the group. In contradiction to what the Marxists expected, class feelings, which divide ethnically homogeneous peoples on the basis of income, education, and life style, have not developed any of the strength and passion of ethnic feelings, which group people on the basis of presumed origin. When ethnicity coincides even to some extent with class feeling, however, dangerous conflicts erupt. Most developed societies have about the same amount of inequality, as measured by the distribution of income, and about the same amount of social mobility, as measured by the opportunity of persons of lower income and occupation to rise to, or see their children rise to, higher positions. But it is in those societies that are sharply divided ethnically that a politically powerful demand for a full, measured equality among groups has become potent. One can present as examples Canada and Belgium, prosperous nations that do not suffer from any more marked a degree of inequality than, let us say, Australia or Holland. Yet, because of the lines that divide Canada and Belgium into two language communities, we have had the rise of movements insisting that any inequality between the two language communities in any key area is not to be tolerated and must be overcome, whatever the cost to efficiency. And so we have the division of the library of the University of Louvain. Interestingly enough, if Canada and Belgium *were* to be divided into two countries, if "fraternity" could be reestablished by creating successor states to the present bilingual states, the demands for equality within the successor states would be reduced. Inequalities that differentiated people within the newly ethnically homogeneous states would be considered more acceptable than the inequalities that separated one community from another in a single state.

The point is that fraternity reduces the intensity of feelings against inequalities. The examples are numerous: One is angry at the foreign colonial administrator who

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enjoys a high standard of living; one is not angry at people of one's own group if they take over these positions, maintaining—or even expanding—inequalities. One is angry at the foreign Indian or Chinese merchant, even if his standard of living is only minimally above that of the indigenous majority and even if it is based on an observably longer and harder work day. But one is not angry when the new national monopoly over trade distributes rewarding positions to members of the majority group, conceivably increasing inequality when measured as a return for a unit of work—*for it is now an inequality whose sharp edge is reduced by the feelings of* "fraternity."

Ethnic conflicts over issues of inequality are given a peculiar complexity in the United States because we have never been sure whether we ought to add to "liberty" and "equality" a "fraternity" that encompasses all the people. Great numbers of Americans have always been excluded from participation in the fraternity, some completely (American Indians, blacks, Mexican Americans, Orientals) and some only partially (Catholics, Jews, and immigrants from almost any country outside Northwestern Europe). The thrust of American society was steadily to expand the definition of groups eligible to become full Americans and fully to participate in a common society. In the civil rights acts of 1964, 1965, and 1968, and in the immigration act of 1965, division on the ground of race or ethnicity in any public sphere and many private spheres was no longer to be recognized. All were to be equal—the first step toward fraternity. If indeed a stronger national fraternity had come into being, our attention would now be focused less than it is on the relative standing economically and educationally of blacks, Mexican Americans, Puerto Ricans, and other groups, and more on divisions of class. But it is clear that only a partial, even if a real, fraternity exists among Americans of diverse race and ethnic background. It is a real fraternity—we have never come close to the dangers of political division that have threatened, and still threaten, Canada, Belgium, the Soviet Union, Nigeria, and other ethnically divided societies in which the sense of fraternity is more sharply limited by ethnic boundaries than it is in the United States. We have created an American people, and Americans of any ethnic group become aware of it when they are in contact with foreigners. One of the interesting discoveries of black writers of the nineteen-sixties traveling in newly independent African states was how much they had become "Americans" and were no longer in any social or cultural sense "Africans." Probably Irish Americans visiting Ireland, Polish Americans visiting Poland, and Jewish Americans visiting Israel discover the same thing.

But it is also a partial fraternity. Very often the more significant fraternity is the ethnic and racial group, not the whole society: the ethnic neighborhood, the church, the self-consciously ethnic organization. So we are suspended, it appears, between the clearly ethnically divided societies—which must, if these societies are to remain together, overcome inequalities between the self-conscious groups—and a homogeneous society, in which concern for inequality is less intense and is focused in any case on the class divisions rather than the ethnic divisions of the society.

In a society of the first type, the achievement of equality among different groups is such an urgent task, if political resentment is not to lead to unmanageable conflict, that one resorts to public action determined directly by this objective: quotas in higher education, quotas in government employment and programs, and funds specifically earmarked for one group or another. But we in the United States shrink from fully embracing such measures, for we are not sure we are that kind of society—

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or want to be—as against the more homogeneous, fraternal one we have tried to become, in which the individual is treated simply as an individual, without regard for ethnic characteristics.

The significance of the recent developments in law that have succeeded the anti-discriminatory legislation of the nineteen-sixties is that they have raised sharply the question of which way the United States is to go: toward an ever increasing attention to the inequalities among ethnic groups, leading to requirements for government and private institutions to overcome such inequalities and, in doing so, to treat persons on the ground of their race, color, and national origin? Or toward a society in which we take for granted an increasing "fraternity," a more homogeneous society, in which each individual is already presumed to be part of the overall fraternity and is thus to be treated—as the mid-nineteen-sixties legislation ringingly insisted—"without distinction of race, color, national origin, or religion."

To many—and, indeed, to the official branches of government, the executive and the judicial in particular—this dilemma is no dilemma. Of course, they say, our objective is "the equal treatment of the laws," a society and a polity which act "without distinction of race, color, national origin, or religion," but in order to achieve such a society we must steadily test, through statistical analysis, whether such equal treatment exists, and if it does not, we must ensure that agencies operate on the basis of ethnic distinction until equality is reached and there is no longer reason to operate on the basis of ethnic distinction. In other words, we are told, we record the race and ethnicity of school children and college students and employees only to ensure there has been no discrimination, and we require school assignment and college and professional-school admission by race and employment by race only until such discrimination has ceased. Thus we do not move toward an ethnically divided society by making ethnic distinctions for education and employment and various other realms, we are merely engaged in a temporary process to eliminate the effects of discrimination. This is the reasoning, and it is broadly accepted: The leaders of the less successful ethnic groups themselves insist their objective is not quotas but equal opportunity, that the setting of racial quotas for school assignment and racial goals for employment is meant only to achieve the situation in which the stricter bans on public action on grounds of race and ethnicity that Congress inserts regularly into its legislation can come into effect.

I believe the argument is wrong, for two reasons. The first is that we cannot easily draw a line separating those groups that are to be favored by having their progress monitored, and by tailoring official action to speed it up, from those that should not be so favored. Our recent history suggests how hard it is to draw such a line. Originally school desegregation was meant to apply only to blacks. School-desegregation law has now spread to include Mexican Americans, Puerto Ricans, any group of Spanish surname, Chinese, and Japanese—and the last few groups, at least, have often resisted the imposition of school-desegregation quotas that required them to attend schools outside their neighborhoods. There is no reason why the spreading judicial requirement of dispersion should not be applied to French Canadian students, Portuguese students, and other definable groups.

Originally the Voting Rights Act of 1965 was meant to apply to blacks. In its extension in 1975, American Indians, Spanish-surnamed groups, and Orientals were all brought within its purview. On the basis of a statistical test for their presence, election materials must now be translated into various languages for the benefit of

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groups that have not been shown to vote less than others, or to have any restrictions, official or unofficial, placed upon their voting.

Originally affirmative action was meant to apply to blacks, American Indians, Spanish-surnamed, and Asian Americans—the last two include groups that do not seem to suffer from any distinctive employment problems based on their ethnic background. Polish Americans, Indians (from India), and other groups are either on the way to being included in some affirmative-action plans, or are arguing they should be.[12] Our problem is that we are not a federation of peoples (as is Canada or the Soviet Union), but of states, and our ethnic groups are already too dispersed, mixed, assimilated, integrated to permit without confusion a policy that separates out some for special treatment. But if we try, then many other groups will join the queue, or try to, and the hope of a larger fraternity of all Americans will have to be abandoned.

The second reason the argument is wrong is that the means by which these policies attempt to promote the end of non-discrimination will themselves become ends, for it is hardly likely that a benefit once attained—the benefit of special treatment—will easily be given up.

The misfortune we risk in the new policies is worse than that of being divided into two, or three, or some other relatively small number of ethnic categories for different treatment; we are already too mixed and too diverse for that. What we risk is a real Balkanization, in which group after group struggles for the benefits of special treatment on the basis of some claim—which too many can make—to discriminatory treatment to some degree, if not now then at some time in the past.

"Fraternity" has two faces: There is the small fraternity of the group, the manufactory of distinctive customs, attitudes, and values which, when exercised in the larger society, makes it the most unlikely thing in the world that each group will show the same profile of education, employment, wealth, and political influence. Many such groups exist in the United States, though inevitably over time and through the influence of the larger society their distinctiveness is reduced. We have always considered this to be a positive part of the experience of American life. On the whole, American opinion has favored this development: without demanding the utter reduction of ethnic distinctiveness, we looked with favor upon the rise of a single American people. But now the differences created by this small scale "fraternity" have led to demands and policies which increasingly weaken the possibility of the rise of a larger fraternity. We have faltered—and now are not so sure we were right in creating institutions such as the English-language common school, to Americanize, often in a rather roughshod fashion, the immigrants and the separate racial and ethnic groups.

To live with the two fraternities—the fraternity of the racial and ethnic groups and the fraternity of the larger American society—means to acknowledge, and to accept, differences which are not the result of unfair discrimination but are themselves the result of a concrete group life. Every contemporary society tries to reduce differences and inequalities, and ours should too. But what is problematic is the attempt to treat every difference as the result of discrimination and as a candidate for governmental action to reduce it. In a multi-ethnic society, such a policy can only lead to one group after another raising claims to special treatment for its protection.

And that, one fears, would only be the beginning. The demand for special treatment will lead to animus against other groups that already have it, against groups that don't, but whose presumed discriminatory behavior in the past justifies special

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treatment for other groups today. One sees the opportunity for the growth of antagonisms with a potentiality for evil that all such ethnic and group antagonisms possess. And the fact that among the victims might be that old elite that practiced discrimination in the past and that might therefore in some sense "deserve" its fate would scarcely reassure us: as in Lebanon today, the former discriminators and the discriminated against would go down together.

Thus the rising emphasis on group differences which government is called upon to correct might mean the destruction of any hope for the larger fraternity of all Americans, in which people are tied to one another in what they feel to be a common good society, and in which the tie is close enough to allow tolerance for their range of differences.

REFERENCES

[1]One should, in any full discussion of the role of fraternity in America, take account of Wilson Carey McWilliams's enormous and comprehensive book, *The Idea of Fraternity in America* (Berkeley and Los Angeles, 1973), although the revelance of the book is limited here because McWilliams does not get to the issues raised by the newer developments in the efforts to achieve equality between ethnic and racial groups with which I deal, and he goes into many problems that are not at issue here.

[2]*Science*, vol. 192, no. 4240 (May 14, 1976), p. 660, in a review of Phyllis A. Katz, ed., *Toward the Elimination of Racism* (New York, 1976).

[3]C. S. Jencks, *Inequality* (New York, 1972), and many other sources.

[4]For examples both of this economic success and of the barriers such groups have faced and do face in developing countries, whether under colonial rule or independent, see P. T. Bauer, *Dissent on Development* (Cambridge, Mass., 1972), *passim*.

[5]Such examples may be found in my book, *Affirmative Discrimination* (New York, 1976).

[6]The matter is far too complicated for any simple set of references to suffice, but see *Proceedings of the Seminars on Human Diversity: Its Causes and Social Significance*, ed. Bernard D. Davis and Patricia Flaherty (American Academy of Arts and Sciences, 1975, processed), for a broad range of data and points of view.

[7]R. B. Zajonc, "Family Configuration and Intelligence," in *Science*, vol. 192 (April 16, 1976), pp. 227–36.

[8]Samuel Bowles and Herbert Gintis, *Schooling in Capitalist Society* (New York, 1976).

[9]John Rawls, *A Theory of Justice* (Cambridge, Mass., 1971).

[10]See, on this, Bertrand De Jouvenel, *The Ethics of Redistribution* (Cambridge, Eng., 1951).

[11]Bauer (above, note 5), p. 197.

[12]Two recent news items bear on this point: "The regional office of the U.S. Department of Housing and Urban Development (HUD) plans to extend its affirmative action employment plan to Polish Americans this summer.

"It is believed to be the first time a federal agency has agreed to actively seek a proportionate representation of a white ethnic group in its work force." (From *The Cleveland Plain Dealer*, April 14, 1976, "HUD Will Extend Job Plan to Poles," p. 8-C.)

"Members of the various Indian organizations in the New York area held a meeting at the Tandoor restaurant, 40 E. 49th St., on February 14 to discuss issues concerning the ethnic classification of Indian immigrants in America.

"The Federal Interagency Commission, an ad hoc committee on racial and ethnic definition, classifies Americans under five categories: American Indian or Alaskan Native; Asian or Pacific Islander; Black/Negro; Caucasian/White; and Hispanic. The Caucasian/White category includes persons whose ancestry is traced to Europe, North Africa, the Middle East or the Indian subcontinent. By definition, therefore, the Indians are classified as 'White' and are not eligible for minority consideration in affirmative action programs. . . .

" . . . at least one person expressed reservations against taking any affirmative action. Dr. Ambuj Mukherjee, representing the Tagore Society of New York (an Indian cultural organization), opined: 'Indians should make it a point to be judged on merit alone, wherever they are.'

"Dutta replied: 'I endorse your views, but the tragedy is that the slate is not clean. The distinctions have been made, and we have to face it.' " (From *India Abroad*, February 27, 1976, "Indian Organizations in U.S. Seek To Reclassify Immigrants," p. 6.)

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BARRY D. KARL

Philanthropy, Policy Planning, and the Bureaucratization of the Democratic Ideal

ALTHOUGH AMERICANS HAVE ALWAYS ACKNOWLEDGED that there are elites who manage their society, the forms the acknowledgement has taken have been a bit curious, marked at various times by embarrassment, ideological rage, or, at the other extreme, a puzzled pride. The familiar photographs of political candidates participating in some symbolic process of leveling—Nelson Rockefeller eating blintzes, Adlai Stevenson in a cowboy hat, Calvin Coolidge pitching hay—all convey undertones of discomfort. Periodic revelations of the social and political impact of a power elite or an "establishment" all glow with the heat of discovery, the aura of threat to democratic belief. Every reform movement designed to return the process of government to the people celebrates its victory over whatever interest group its newly discovered machinery has replaced. It is a process as old as the rebellions against the Federalists and as recent as the appointment of the Vice President. Along the way, one might cite Andrew Jackson's attack on the Bank of the United States, Charles Beard's analysis of the Constitution, and William Appleman Williams's interpretation of the significance of the Open Door.

While the democratic beliefs at the base of each instance are distinct from one another, they have at least two ideological threads in common: that managerial elites threaten the American democratic tradition is one; that managerial elites are the product of foreign totalitarian ideas is the other. Though the two are obviously related, the first tends to emerge in American popular opinion primarily as an anti-intellectual attack, while the second tends to come from American intellectuals, usually as an attack on European ideas they associate with Pareto and Michels. The dispute passes back and forth across the barriers by which liberals and conservatives attempt to distinguish themselves from each other.

To argue, then, that managerial elites, both private and public, have been essential to the growth of American society and that they have provided Americans, generation by generation, with that minimum of social planning necessary to produce social change is to enter a battleground so familiar that an accurate restatement of the positions reflected in the debate may be impossible. To suggest, in addition, that the era may be coming to an end—may, indeed, have already reached its end a decade ago—and that the processes of modern bureaucratization and professionalization have produced a new managerial elite may invite more fusillades. The reaction may be inevitable, but it would be wrong. What this essay will try to suggest is that the conflict between popular democracy and managerial elites is essential to the maintenance of a complex democratic system in a technological age. Despite claims to the

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contrary by defenders and critics alike, American history has rested on that conflict, and on the belief that it had to continue, without victory, to prove that the values of popular intuition and scientific intellect were, in some uniquely American sense, the same.

I

For two centuries, now, Americans have relied on an ad-hoc collection of methods for managing their national society, a collection that can be called a "system" only by the loosest and most generous definition of the term. That Americans began to feel the need to create a national society for themselves only in the last century is part of the explanation for the phenomenon, but only a part. States' rights, sectionalism, even the later and more sophisticated concepts of regionalism reflected the realities of the American approach to the organization of social order much more accurately and often more idealistically than nationalism ever could. The United States adopted its most effective nationalist energies in response to internationalist challenges as it conceived them—Great Britain and Europe in the nineteenth century, the Soviet Union in the twentieth—but always at the cost of attention to a view of life glorified as individualist. The reality was represented by a congeries of institutions for managing and developing the social order. It included religious, educational, and charitable institutions which were local, regional, even pseudo-national, in a sense, as they skipped about the country in response to specifically defined needs in education or local welfare. The Red Cross fought catastrophe. Diseases such as tuberculosis or hookworm or yellow fever had their universal aspects, but they still reflected widespread local concerns that could only tangentially be regarded as national.

The problems of managing a national society—as distinct from a national economic or political system—have become prominent only in the last decade, though quite obviously the preparation for that concentration of interest had been underway ever since the turn of the century. Historiographic concentration on the Progressive era and the New Deal as nationalist reform periods has tended to obscure the extent to which both depended upon nationalist rhetoric to organize local social and political interests. Indeed, one could argue a kind of historical retrenchment in the relation between the two eras, the New Deal being far more realistic in its acknowledgement—at least in the relative privacy of the practical administration of its programs—of its dependence upon local politics and local custom than Progressives were ever inclined to be. One need not join the growing ranks of those who see Franklin Roosevelt as a conservative force in the politics of social reform to recognize the concessions he made to local autonomy for every step he took in national reform.

Fundamental to the traditions of social change in the United States is the belief that social management begins at home: in the family, the churches, the schools, the town meeting halls and the city halls of the nation. Charity resides in the individual heart; volunteerism is its lifeblood; bureaucratization is its enemy. That industrialization, urbanization, and mobility were eroding the institutional frameworks on which those traditions rested did little to alleviate the fear, and much to hamper any effective national replacement, of the local institutions.

One of the distinctive characteristics of the leading philanthropists during the period of the establishment of the modern foundation was their awareness of the need for charity on a national scale, although they had long since ceased to use the term in describing the bulk of their activities. If diseases were national, or were regional on a

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scale well beyond the means of the older local community machinery to deal with them, so were the consequences of inadequate educational facilities for the stability and continuing development of an industrial society. Increasing awareness of the need for scientific research in technological progress paralleled the growing consciousness that science was an international phenomenon more closely related to a society's level of institutional development than to its distinctive national characteristics. But it would take Americans longer than was good for them to realize that democratic societies had no better control over the marketplace of ideas than non-democratic ones.

The federal government long rejected general responsibility for medical, educational, and certainly for public welfare, except where problems in those areas could be shown to have arisen in the context of responsibilities the national government had traditionally accepted. Thus, Marine hospitals and, later, the Veterans Administration provided a base for national concern with public health and medical research, while the service academies involved the government in the funding of education and research in engineering and in the natural sciences relevant to navigation. From the Civil War on, sporadic federal involvement in these areas was spurred by national conditions generated by military requirements, colonial expansion, and the needs of national commerce (usually underscored by dramatic strikes, rate wars, or banking crises). Still one basic principle was held intact even after it had long been violated in practice by many federal agencies: federal involvement in social problems was limited strictly to administrative interests that the government could justify by calling upon its own narrow traditions. In practice, this usually meant responding to a crisis when the public became aware that there was one. In between crises, federal administrators kept their interests alive by collecting data and distributing information to those willing to receive it through the quietly operating mechanism of the Government Printing Office.

Initially the foundation was an effort to respond on a national scale to problems that a generation of philanthropists knew to be national—at least in part because they had helped to create them. While from the very beginning much ink was spilled criticizing their methods of exercising their concerns—after all, the railroads had been built with public land, and the oil, steel, and coal they dealt in were also national resources in many eyes—the fact remains that they involved themselves in problems that public opinion still did not define as federal, however national they might have been. No matter how clear the message that an income tax was imminent, there was no way they could have anticipated that even modest confiscations of their wealth would result in the federal programs of education, welfare, or scientific research we accept today. On the contrary, there was a host of historical reasons to suggest that they would not.

At the same time, much of the initial foundation effort went toward stimulating local philanthropic interests in order to preserve community involvement. That philanthropists controlled the choices by indicating what they were willing to support and that some of the things they supported would not necessarily have been provided by the community for itself—black education is perhaps too obvious an example—not because the community could not afford them, but because it would not have chosen them, are always grounds for criticism. But then the criticism could not be made against a background of alternatives pouring forth from a national government eager

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to create a society of equals. Private philanthropy was not competing with a publicly supported federal system. It was, however, providing a method of social planning, and it would be sixty years before the federal government would move into active, overwhelming competition. Even that would be sporadic, chaotic, and inspired by a customary sequence of political accidents and administrative usurpations, and it would by then also be deeply dependent upon a tradition of private philanthropy for its basic ideological resources.

The American rejection of social planning on a national scale is thus the key to a puzzle that ought to be more disturbing than it is. Planning agencies of many kinds exist throughout the vast network of private and public organizations instrumental in keeping our society running. Economic planning, accepted by generations of industrial planners in and out of government, is now being talked about as an innovation the federal government ought to consider. A few of those who propose such federal planning recall the National Resources Planning Board (NRPB) of the New Deal, but they mistakenly confine their recollections to its economic interests, despite the fact that the NRPB eventually viewed itself in much larger social terms. That those terms led to its abolition in 1943, after a decade of unique national experimentation, tends to be forgotten. The creation of the Council of Economic Advisers in 1946 established a more acceptable, quasi-planning group, or at least it avoided the use of the term "planning" in public discourse. The term continued to be used in military affairs and foreign policy, however, where it seemed less alien.

Although industrial planning had been central to the Progressive era's conception of the term, Progressives extended the idea well beyond the issues of job security and business cycles, which the "new era" economists were concentrating on, to problems that educators, the new sociologists, social workers, and political scientists found important. To be sure, as proponents of child-labor legislation and protection for working women discovered, they could make the necessary alliances with labor leaders and business leaders only to the extent that they could show a clear relation between their reform interests and the needs of the labor market. But, by the nineteen-twenties, a breadth of interest beyond industrial organization led even conservatives—Herbert Hoover, for example—to espouse research in the social order itself, to examine the general welfare of Americans as a cultural community rather than as a body of laborers and consumers. Thorstein Veblen had influenced many of the younger social scientists in his efforts to see economic man as a rational being, not as "a globule of desire." Younger followers of Frederick Winslow Taylor sought richer, more humanistic interpretations of his production-oriented approach to apply to the larger social order.

At the same time, Americans were following the course of social planning in the Soviet Union, in Mussolini's Italy, and, somewhat later, in Hitler's Germany. The initial response to the Depression among American liberals was to call for more control of social, as well as economic, development. The New Deal's initial emphasis was certainly on the reestablishment of an effective industrial system. But its genuine experiments, short-lived though many of them may have been, involved social and cultural programs designed to support and develop innovations to alleviate what the public perceived as social problems. Social security, as many of its initial architects knew and as all of its subsequent administrators were to discover, was badly hobbled by its emphasis on employment and its consequent failure to acknowledge the genuine needs of the aged, the poor, and the sick. And while the WPA disappeared in

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the war, its contributions to art and artists, to youth, and to a compassionate concern with individual welfare were significant in their time. Blacks could find little in the way of clear legal or administrative change in their status; but the effects of publicity generated by Mrs. Roosevelt's activities and the behind-the-scenes work of others, Harold Ickes, for example, in the central New Deal administration cannot be ignored.

Wartime efforts at postwar planning took place behind a curtain of war-induced prosperity sufficient to generate an optimism no one wanted to cloud. Twelve years of depression more than justified the need to hope, even on the part of those willing to acknowledge that New Deal successes were only partial answers to the problems the Depression had revealed. Roosevelt's declining personal popularity could be considered a logical result of the effects of time on any public personality; but the same could not be said for the public's inclination to replace old-line Progressives, George Norris of Nebraska, for example, with committed anti-New Deal conservatives. As a political philosophy, conservatism moved to a prominent position in academia, literary journalism, and other once-solid bastions of the drive for social change. Radicals recanted. Ideology ended, and along with it ended the belief that planning was anything more than the assurance of employment and one's appropriate place on the ladder of upward mobility.

Planning enthusiasts of the nineteen-thirties searched eagerly for historic precedents to justify their interests and to distinguish them from European ideological models. They found them in the reports of Alexander Hamilton, the survey concerns of George Washington and Thomas Jefferson, and the philosophical and scientific interests of the Adamses—John and John Quincy. So obvious a running jump enabled them to clear the anti-intellectual, anti-elitist Jacksonians in the proverbial single bound (not to mention the best-to-be-forgotten Civil War) and to see themselves as the successful attackers of the chaos and the governmental excesses of the years that had brought Progressivism into being. For many of them, the circumstances of their background made their treatment of Jacksonianism and its aftermath something different from, and to some extent much better than, the rejection it might have been in other historical contexts. Jackson's leadership and his identification with the common man made it possible for them to deal selectively with him and what he represented, to see democracy as a process of becoming, and hence progressive even in its moments of obvious failure. Indeed, those who had themselves come from social and economic backgrounds only a generation removed from Jackson's frontier could see the era he reflected as the source of the social mobility on which their own successes rested. That those who were not of the older elite still depended on that elite for their training and for the funding of the projects and the reforms for which they worked did not necessarily dampen their commitment to democracy. It had put them where they were. More important, it promised them that they ultimately would control the process they were only beginning—by the end of the Progressive era—to call planning.

The great fortunes of the late nineteenth century had provided a new impetus for the older tradition of private charitable associations which were used as a base for the management of dislocations in the social order. The relation between those fortunes and the industrial reorganizations of the era had had a similar effect on the expansion of the welfare interests of industry. Public pressures in the aftermath of dramatic strikes gave sporadic encouragement to continuing concern over the effects of immigration on urban stability, housing, health, and education. By the turn of the

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century the rise of the modern foundation and the development of the private and public university as the source and center of ideas for social innovation seemed to cap a process of national planning, though it was not called that at the time. Privately funded and managed, these institutions drew in new cadres of young from many different social levels, trained them, and encouraged their reform interests, although guiding them, to be sure, into traditional channels.

The relation of the Russell Sage Foundation, for example, to the survey scientific reformers was an important modernization of a traditional urban-elite reform interest which predated the Jacksonian era. That tradition of sanitary reform had been local in its focus, but the desire to hold national meetings for comparing methods and concerns had been strong throughout the movement. Their intention, it had always been clear, was to affect public policy, and while they would generally have denied being political, politics was always the common enemy—how one could fight politics without being political was not a question even asked, let alone answered. When John D. Rockefeller sought a federal charter for his Rockefeller Foundation, the rejection by Congress startled him—as well it might have, given the fact that only a few years earlier Congress had provided his General Education Board with one. The national mood was changing rapidly, though in what direction was unclear.

The willingness to tax larger fortunes was in the process of becoming law. The public interest in tending to its own welfare rather than depending upon charity under any reorganized institutional structure seemed obvious, even though the methods for doing it did not. On the eve of World War I, one could have anticipated major national change, spurred in some instances by cities and states, to help provide Americans with social welfare they could manage jointly with those for whom they labored. Even the railroad system, that old bone of contention between private ownership and public interest, seemed sure to become publicly owned and managed.

The speed with which World War I brought such interests to a halt is striking only in the virtual public silence which greeted it. Whatever importance one ascribes to the interest groups one conceives as having been served by stepping back from so many precipices at once, the public acceptance, indeed the public conservatism on the subject of reform, seemed clear. While the Russian Revolution provided a sound rhetorical base for the opposition to government intervention, the roots of the hostility seem to have been much deeper. As would later be the case with the ending of World War II, the experience with wartime nationalism generated a reaction too pervasive to be ascribed to the manipulation of any one group. The search for a new regionalism, for a new or revised orientation to local community, for the gratification of an inner sense of need—in politics, in literature, in the social sciences, and in popular culture alike—all marked a stepping back. Even the new philanthropic foundations were ready to reconsider their interests, to return to the local or medical basis of their reform interests, and to leave the larger issues of public policy alone.

It would be a mistake, however, to interpret this as a total rejection of reform. Efforts to revitalize local charity and local involvement in the political process emphasized the need for self-help under the concept of "volunteerism"; and the enemy became clear. Government was the threat to individualism—not just the "politicians" of the era of Progressive reform, but government itself, presumably even good and efficient government. At the same time, wartime management was glorified in memory as a magnificently volunteeristic effort engaged in by citizens who seemed in retrospect actually to have done all the things the war posters had urged them to do. Memories

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of coercion applied only to actions taken against Germans in America, some of which could now be acknowledged with suitable embarassment. Similar behavior toward reluctant war-bond purchasers and labor unions was less clearly recalled, as were the policy enforcement actions of the War Industries Board or the government team which managed the railroads. Herbert Hoover's reluctance to approve the Reconstruction Finance Corporation may have rested more on his memories of the War Finance Corporation than on his ideological commitment to avoidance of federal involvement with industry. Hugh Johnson's management of NRA and its use of public-pressure campaign techniques against industrial "slackers" clearly echoed experiences with the "volunteer" aspects of wartime management.

The glorification of self-help and American individualism was as much an effort to respond to the questions raised by the industrialization of Western society as it was an effort to revitalize an inaccurately remembered American past. The reaction against industrial urbanization found in the tracts of the Southern agrarians in the United States has its counterpart in England in the writings of D. H. Lawrence and George Bernard Shaw, and later in the international literary response to the Spanish Civil War. Granting the utility of political doctrines and available ideological distinctions, a common concern for the effects of industrialization on the freedom of the individual to feel and act politically united Hoover and Mussolini with Hemingway in ways none of them would have found comfortable.

Both Hoover and Roosevelt represented a traditional philanthropic elite whose industrial fortunes had always been devoted in part to public service. Hoover had made his own, to be sure, but his decision in his early forties to shift his managerial activities to public-policy making transformed him from financial contributor to participant. The political role of America's philanthropic elite provides the crucial linkages between private charity and planning and the political process. Despite recurrent attacks upon it as undemocratic, it has played a central role, and a continuing one, in providing American government with a process of planning which is distinguishable from systematic industrial planning, on the one hand, and the process of political resource distribution, on the other. Systematic industrial planning, whether it be traceable to Frederick Winslow Taylor or to Alexander Hamilton, is always subject to the criticism that its conception of science is no more than a thinly veiled excuse for seriously limiting the functioning of democratic politics. Political resource distribution, whether it be traceable to William Jennings Bryan or to Thomas Jefferson, is always subject to the criticism that its conception of democracy is nothing more than an appeal to mass ambition to satisfy personal greed, turning democracy into a corrupt power struggle for spoils.

The election of 1932 can be looked upon as a confrontation between two major strands in the development of an American managerial elite. Hoover reflected the industrial system's efforts to modernize itself in the direction of a social responsibility consistent with Taylor's call for a new kind of thinking about industrialism. The Quaker farm boy could scarcely help seeing himself as a near-perfect example of the role technical education could play in the transcending of class lines on the route to democratic wealth. Though Roosevelt was probably even less of an intellectual than Hoover, he nonetheless represented that conversion aspect of Victorian wealth which made Fabianism attractive to his counterparts in the British Victorian world, and Veblen a crucial experience for American intellectuals of his generation. The translation of both experiences into the realities of the American political system would not

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be easy, but it could be done. Hoover sought to use politics to transcend partisanship, an old Progressive endeavor for which both Theodore Roosevelt and Woodrow Wilson served as martyred heroes. Franklin Roosevelt accomplished much the same thing by using his and his wife's patrician backgrounds to project a sense of moral engagement capable of giving interest-group battles the appearance, and at times even the reality, of responsible public politics. Both Hoover and Roosevelt sought to use an appeal to responsibility as the basis for making the industrial system work.

II

To separate a philanthropic elite from the industrial system that provided its resources is obviously open to debate; but a very clear historical process that embedded the distinction between them in law in this country makes the attempt necessary. The establishment of the modern foundation and the continuing process of encouraging, through tax laws, large donations to non-profit organizations, many of which are concerned with social problems, make it necessary to distinguish between industry and the non-profit foundations it supports. The industrial organization seeks to influence those public policies that will affect industry's conception of its needs and purposes—its role, as it sees it, in the national or international industrial system; the foundation seeks to influence those public policies that will affect the foundation's conception of public needs—social, religious, educational—as it defines them in relation to the general welfare. One need not sidestep the issue of whether or not the likes of Andrew Carnegie and John D. Rockefeller were attempting to benefit the industrial system with their gifts to make the point that they saw the necessity of moving outside the defined limits of their economic and industrial purposes if they were to do so. They would have to appeal to a different set of motives and raise the conception of profit to a level of morality that they knew from their own experience had not been part of the development of American industry. Unlike others in their generation, who sought to create within the industrial system itself a concern for welfare and social planning, they sought to establish a different institutional structure to change the direction of public-policy planning, one which was dominated neither by industry's conception of its needs nor by the conflicting pressures of politics. That they were capitalists who saw capitalism as the source of American development should not detract from the basic insight they shared with many of their British Victorian counterparts: that there was nothing inherently moral about the accumulation of wealth and that the basic sources of morality needed to govern the process of accumulation had to come from outside the process itself. That they did not see politics as the alternative source was an important part of that insight. That they thought of government as distinguishable from politics and hence as the potential center of that morality caused them some difficulty. Nevertheless, they did not make the mistake of glorifying the industrial system as inherently moral, as many ideologues of free enterprise have been inclined to do. However profound their religious commitment, and regardless of the extent to which it was ascribable to guilt, they were experienced men with a realistic view of the business enterprise.

The result was a relationship between philanthropy and the industrial system that produced a disturbing ambivalence with very observable effects on the development of modern politics. Members of the philanthropic elite who entered politics—the Roosevelts are the most obvious example, but one should not slight the Kennedys, Rockefellers, Scrantons, and Stevensons—did so as "traitors to their class," or as

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about-to-become victims of the industrial system they sought to reform, but in either case as figures over which historians would worry themselves into paroxysms of paradox as they tried to figure out whether they were liberal or conservative, naive or confused, idealists or politicians without principle. Characterized by their critics as "parlor pinks"—though "closet Fabians" would be a more accurate description of their cultural and intellectual roots—they helped build philanthropic, educational, and reform associations and institutions to advise them in their purposes and to investigate social needs. It was to be the function of those institutions, also, to produce new generations of elites, drawing them from familiar social groups but also from the new groups, who could press their way into a system that encouraged their reforming zeal even as it co-opted them into its service. The American private university system—and the public one as well, if one includes the training of faculty and administrators as part of the entire system—is the product of the generations of philanthropic elite who turned the profits of the industrial system toward ends intended to improve and criticize both the industrial system and the political one.

The effects of the university system on the management of American society could certainly be described as consonant with the intentions of the founding elite, in the sense that increasingly that system has provided industry, government, and, not least, the system itself with trained managers and practitioners of the professions of business, government, and academia. At the same time, the university system has provided American society with a loose structure of planning, in the sense that the major ideas which influence public policy and the training in the methods of executing public policy both come from there. The practice of apprenticeship as a method of entering a profession has declined, and it has been replaced by various forms of formal and informal accreditation, but all from the university system. Lateral mobility in careers also appears to have declined, because conditions of specialization require early decisions in educational training. The old-fashioned "generalist," who mediated disputes and provided routes of communication among the professions, is in short supply, and indications are that we are slipping toward a crisis similar to that of the nineteen-thirties, not simply in the economy, although characteristically it is described in those terms, but in the world of ideas and their relation to the processes of social management. We have evolved a planning system which is both feared and fearful, and which can in any case do very little planning.

Recent studies of social programs in both the Johnson and the Nixon administrations all indicate that somewhere between the intellectual plan and its political enactment—as well as between its political enactment and its administrative execution—transformations occur which drastically change the intentions of planners, politicians, and administrators alike, at times creating programs only dimly related to any clearly articulated purpose. While one can ascribe some of the difficulties to accident and misunderstanding, those terms are not sufficient to describe changes that occur when conflicts in motive and in the perception of experience lead to interpretations and accretions of practice capable of changing—subtly and without deliberate intention—the original idea. One can call this process subversion, and condemn it, or one can call it flexibility, as historians of the American Constitution are inclined to, and celebrate it as evidence of the superior judgments of the historical process over the immediate intentions of any given group of planners.

It is obviously both. The historical process that produced what I have described as a system of planning in the United States reached its culmination in the New Deal

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and then began to change, in part as a result of the triumph of the system, in part as a shocked and troubled reaction to it, and in part as a transformation toward something distinctly different from the original idea of the system. The three parts can be viewed as stages in what may be one of the major transformations in the role of elites in American life.

First, Franklin Roosevelt intended to use the American university system as an adjunct to planning by bringing prominent figures from that system directly into his management of government. While most of his predecessors had used the system, they had used it on a strictly voluntary, temporary basis, inviting academics to advise them just as they invited advice from any interested citizen of prominence whose judgment might be useful. The President did not pay for the advice, nor did he usually provide government employment on a regular basis for such individuals, though there were exceptions, nor, it should be added, did such presidential advisers need, or expect, money for their advice. The probable model was the British Royal Commission, and while Lincoln had used such a device during the Civil War—or more accurately had had it forced upon him—in the form of the Sanitary Commission, he was also responsible for establishing the National Academy of Sciences, the purpose of which was closer to the model, but the funding of which was not in any way intended to establish a permanent government planning agency.

Theodore Roosevelt was perhaps the first modern enthusiast for such groups, and again the funding was private, the presence of advisers, voluntary. When Congress began to create permanent commissions of experts, the Interstate Commerce Commission (ICC) was the first. Congress did not have academics in mind when it formed that agency, but it was beginning to look to specialists in industrial management, and the ICC soon began to employ economists. Taft's enthusiasm for a Tariff Commission came from the same source, but it was the Wilson administration, particularly during the war, which set the pattern that was followed until the New Deal.

Prominent citizens from public life served voluntarily on boards—or for a dollar a year, a symbolic gesture that emphasized even more the public-service character of their contribution—but paid staffs of researchers and university specialists ran the show. Part of the problem was simple necessity. Although many academics still came from family backgrounds that provided them with independent means, most of them probably did not. At the same time, Congress did not willingly fund such enterprises for a president except during wartime. When Herbert Hoover sought to continue the practice in peacetime, he turned to a method Theodore Roosevelt had used apparently without much thought: the prominent citizens picked to serve were also expected to help raise the money to pay the working staff. Hoover systematized the practice; the existence by then of foundations simplified the process greatly. By the time Hoover appointed his Committee on Social Trends, he was ready to drop the prominent citizens entirely and to appoint academic leaders as the members of the committee as well as the research staff, though the funding still came from the Rockefeller Foundation.

Franklin Roosevelt's desire to use academic advice on a larger scale complicated the problem. While the name of the Social Science Research Council concealed its Rockefeller funding, neither Congress nor the public was enthusiastic about accepting "brains" in government, on trust or on any other basis. The Depression had eroded the reputations of business leadership and demonstrated the limitations of private philanthropy in dealing with large-scale social problems. Social revolution in Europe could be used to sharpen the threat of social planning, just at a time when the condi-

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tion of American society called for some kind of systematic reordering. Yet only briefly was American politics willing to consider such ideas. The step back was immediate and irrevocable.

Roosevelt's initial efforts to place academics in department posts at sub-cabinet levels raised serious difficulties, judging from the amount of dissent provoked, say, by the presence of Rexford Tugwell in the Department of Agriculture and Raymond Moley in the Department of State. The establishment, first, of the National Planning Board and, ultimately, of the National Resources Planning Board gave Roosevelt ten years of active academic advisory service, but it was only partly paid for by the government. The SSRC and the voluntary service of key figures who either had independent means or were funded by universities or philanthropic organizations still provided central support. Growing numbers of agencies were paying for academic advice, but again with such privately funded organizations as the Public Administration Clearing House providing the subsidy for it. The Tennessee Valley Authority employed academics, and the growing number of associations of public administrators in various fields were mixtures of academic and professional administrative advisers who could be called upon by federal agencies.

Nonetheless, the New Deal and the wartime agencies that grew out of it represented an important change. Career patterns suggested increasing movement from business management to government management, academic management to foundation management, foundation management and business, academic management and government. To be sure, Woodrow Wilson had been an academic manager before his remarkable but brief political career; Hoover had appointed a university president as Secretary of the Interior; Roosevelt had considered a university president for the management of the NRA. But the exceptions became a pattern to prove a rule. Equally important, the government not only moved into the funding of research in wartime but into active engagement in the research process itself. It had done so in limited fashion in World War I, but it had withdrawn immediately after the war was over. The end of World War II also saw a brief withdrawal, but that time the general trend was kept alive by the importance to national policy of research in atomic physics. The expansion of research activity and funding in all areas of what had formerly been a totally private preserve soon followed. A new era had been born, but those who noticed it seemed enthusiastic enough and regarded it as a natural outgrowth, and a welcome one, of past practice.

Robert Bremner's *American Philanthropy* appeared in 1960. A remarkably effective history of the development of philanthropy from its earliest years as charity to its emergence as the modern foundation, the book described a process that had already begun to change by the time the book appeared. The description was one which, in somewhat cruder form, foundations were themselves using; it went something like this: Throughout the history of American social reform, private associations had acted as the spearheads of experiment. Interested citizens banding together to promote change had been able to obtain funds for ideas to which the political public would have been either indifferent or hostile. Their efforts, and the gradual public familiarity with their experiments, had often eventually led government and the public to adopt their programs as publicly funded public policies. The process from private experiment to public agency could be documented in American reform history. One assumption that the book did not explore, indeed that its author could not, at that

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stage, even have been aware of, was the belief among the post-New-Deal generation of reformers that the aim of the tradition of private philanthropy was the absorption by government of the responsibility for generating and administering reform. Nor does the book envisage the domination by government of the many fields of research, and the possibility that private sources could become less relevant, even trivial. Yet that was precisely what was happening even then.

Behind the scenes, conversations in the intellectual-academic community in the sixties carried the process one step further: tired of coping with a growing foundation bureaucracy—whose numbers were reputed to include many "failed academics"—academic fund-gatherers privately hailed the growing government involvement in research grants as a kind of democratic liberation from the philanthropoids who had become an increasingly demanding group, insisting on intellectual involvement in the projects they funded, either by dropping hints to "encourage" grant applications from individuals and groups, or by reshaping through their internal debates the substance and form of the applications they received. Government administration of research, particularly by the military, allowed academicians greater freedom and accorded "pure" research the respect it deserved—or so it seemed for a time.

One of the side effects of government funding was a renewed concern in private philanthropic circles over specialization of research interests. There had always been a certain amount of competition among foundations to find projects and lines of endeavor that could identify their interests with their public reputations. This had been less true in the twenties and thirties, when the larger foundations deliberately sought low public profiles to protect themselves from attack; but in the sixties a new surge of pride in their interests and operation led them to establish public identities. Government funding posed the question in a new form. No longer was it "what can we do that someone else isn't already doing?," but "what can we do that government can't do better, or at least more elaborately?," and the answer was, bluntly put, "very little."

The implication, too, was that whatever foundations and private philanthropy had been doing government could do better. Fund-seekers reset their compasses from New York to Washington, many with a sense that the liberal imagination of the New Deal years had returned: happy days were indeed here again. What was missing was a view of the academic past subtle enough and shrewd enough to describe the continuing efforts of intellectuals to remove themselves from the inhibiting judgments of their patrons, to take over the process of managing the resources set aside for them by the controlled generosity of the philanthropic elite.

As historians have recently been pointing out, the American academic past was marked by a subservience to donors which could be galling, to say the least. The initial steps in the years after World War I, the creation of the American Council of Learned Societies, the Social Science Research Council, and the reorganizations of the foundations were all efforts to make academics themselves the judges of the distribution of available resources, and for a period of time it had worked. What they had not counted on was the emergence over time of an administrative bureaucracy whose first perception of its responsibilities would be the reconciling of the aims of the philanthropic elite and the academics, and whose second perception would be the establishment of a professional identity of its own. The idea that such a bureaucracy would content itself with performing services as a mindless vehicle for the products of the academic mind persisted in the private grumblings that inevitably followed the efforts to mount persuasive arguments, then pleadings, for funds.

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It probably ought not be too surprising to discover a repetition of this interesting and important misperception when government moved into the funding of American intellectual life, not only in the sciences, but in the social sciences and humanities, and, on a grander scale than any nineteenth-century enterpreneur could have conceived, the arts. For a period of time, academic advice dominated the process of judgment, and, to a large extent, it probably continues to, as academics provide advisory services. But the other side is already there and growing: a bureaucracy is emerging which conceives of itself as a mediator between the academic community and an administrative perception of the intentions of Congress and the sensitivities of Congressional committees. That bureaucracy is drawn in part from newly trained academics squeezed out of the university system by the tightness of the job market. It will in time establish for itself a sense of purpose capable of being elaborated into a defense of itself as a profession. It will develop a literature, a training system to assure continuity, and standards to assure sufficient exclusivity of membership. This further stage in the process of administering American intellectual life will one day have to be recognized.

III

American academics are inclined to look upon the bureaucratic management of their ideas as an irritation, if not as an invasion of intellectual privacy; in this, they share more than they like to admit with American popular judgment. The American hostility to bureaucracy has historical roots which are built into an Anglo-American tradition that is quite distinct from its European counterpart. In the nineteen-thirties, when the editors of the *Encyclopedia of the Social Sciences* wanted an article on "Bureaucracy," they went to Harold Laski who produced for them the classic British statement of a concept that even the staid *Oxford English Dictionary* treats almost exclusively in pejorative terms. Carlyle's phrase "the Continental nuisance" is used by both Laski and the *OED* in descriptions replete with intimations of usurpation of power and blockages of the normal flow of democracy.

It is significant that by 1963 when the editors of the new *Encyclopedia* wanted an article on "Bureaucracy," they went to Reinhardt Bendix, who provided them with a view much closer in its basic orientation to that, say, of the definitions in *Larousse*. To be sure, he begins with the representations of the green-baize-covered desk and with the acknowledgment that some find the term offensive; but he moves quickly to what had become, by the nineteen-sixties, a technically more sophisticated argument. Max Weber had had twenty years in which to extend his influence on American social science. The Bendix version reflects the impact of post-World-War-II organization theory. Bureaucracy is part of the process of modernization, an expression of rational techniques of management. Virtually all Laski's understanding of the term is squeezed into an aside, crumpled into a ball and discarded.

The difference reflected a dispute not always clear to those outside the professional circles in which it took place. Robert K. Merton, certainly the leading figure in the development of the sociology of knowledge, touched the issue obliquely in an article he wrote in 1940 when he confided in a footnote that Laski's article was "written primarily from the standpoint of the political scientist rather than that of the sociologist." Thus he slid quickly past the dispute, which he must have known, even then, caused friction in the effort to build a community of social scientists in the United States.

American political science was not inclined to welcome the proliferation of ideas

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associated with Continental theories it considered undemocratic, if not un-American. It preferred terms such as "civil service" and "public servant." It could even come to accept those aspects of Weberian theory that saw bureaucracy in terms of a drive for an effectiveness and efficiency that would still leave the real sources of intellect and power under popular control—if Weber could indeed be interpreted as having argued for any such popular will. The critical influence on American political science had been Bryce, even in the years when Americans were studying in Germany. The European migrations of the late nineteen-thirties and -forties did not seriously shake that foundation, at least at first; but they did feed hostility that had already begun to appear in American sociology, a hostility frequently apparent in the pages of *Social Forces* and in the lectures at the New School for Social Research.

The effort to revive Michels as a proto-democrat was relatively brief, part of a new conservatism that followed World War II. Alfred de Grazia introduced a new edition of Michels's *First Lectures in Political Sociology* in 1949, comparing Michels with James Madison and Edmund Burke. Philip Selznik's study of the TVA utilized similar ideas to penetrate the democratic rhetoric surrounding the New Deal's most striking experiment in social management. Within a decade, organization theory had begun to spread through the field of public administration, attracting the interest of the younger practitioners, offending some of the older ones.

The lines of disagreement were complex and remain difficult to draw, although one central strand of disagreement is useful for our purposes here. The older British model rested its belief in elite leadership on a kind of public figure it had known from past experience to be responsible, compassionate, and protective of a tradition of government believed to be democratic despite its own rather peculiar position in the American class structure. The new Continental model rested its belief in elite leadership on a system of technological training and professional skill taught in the institutions that the old elite had built. The conflict between the two elites had been quietly underway since the Progressive era. The New Deal had been the peak period of resolution and transformation. The new elite made the crucial discovery that its dependence upon the old could be broken by transferring that dependence to government. By 1960 and the election of John F. Kennedy the transformation appeared to be on the verge of completion, if not in fact, then certainly in whatever symbolic form a significant transformation could require. The Kennedys brought to Washington a phalanx of educated, elite contemporaries, and for a while the atmosphere seemed to glow.

Three days before the Kennedy inauguration, Dwight Eisenhower gave the nation a farewell statement only part of which, the phrase that warned of the military-industrial complex, was destined for long-range memory. Those in the New Frontier who found that phrase useful for their own purposes seemed nonetheless able to ignore the further warning that followed it: "The prospect of domination of the nation's scholars by federal employment, project allocations, and the power of money is present—and is gravely to be regarded," Eisenhower had gone on to say. "Yet, in holding scientific research and discovery in respect, as we should, we must also be alert to the equal and opposite danger, that public policy could itself become the captive of a scientific-technological elite."

One can make Eisenhower the prophet of the sixties only if one forgets the significance of the National Defense Education Act of 1958. Whether or not Eisenhower completely approved of it, his administration had sanctioned an academic pork barrel

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which dwarfed the G.I. Bill of World War II and helped spur one of the most remarkable expansions of national academic resources in American history as the federal government moved in to dominate the once sacred preserves of private philanthropy and the states. Eisenhower must be given his share of the responsibility for creating the monsters against whom he now sought to invoke warnings.

Be that as it may, both Eisenhower in 1958 and Kennedy in 1961 reflected a change in the role organized academia would play in national management: Eisenhower by sanctioning its funding, Kennedy by drawing into his administration a cadre of academic specialists whose function it was, not simply to advise his administration, but to command it. One cannot move the shadow of Vietnam, and certainly not that of the Cold War, from the surface of the next decade, but it is the surface, not the deeper underlying changes of the era, that we are likely to see if we focus only on the military-international aspects of the period. Like the relation between Progressivism and World War I, it is too easy to take the dramatic conclusion as the logical conclusion, the only conclusion, indeed, of a historical process which has no real conclusion at all, logical or otherwise. In this case, as in the case of Progressivism, the process can only be made clearer.

Two books of relatively recent vintage can be used to outline the problem. Robert Wiebe's *Search for Order* posits bureaucratization and professionalization as the Progressive answer to the nineteenth-century American's problem with localism and industrial politics. With 1920 as his cut-off date, he can view the development as a more or less successful episode in American nationalism, the rationalization of the industrial order. His last sentence can be read as an ambivalent prediction, but it is unclear. Speaking of the new bureaucracy he writes, "The future for a time would belong to them." It is tentative, but not tragic, and in terms of the argument presented here, not the only way of interpreting the materials. Even the most successful of the new progressive administrators—Wiebe's conclusion cites Herbert Hoover and Bernard Baruch—shared more with the "best men" of a generation earlier than they did with the bureaucratic staffs they continued to control, not as bureaucrats or professionals themselves, but as wealthy, philanthropically inclined public men with an interest in, even an enthusiasm for, modern bureaucracy and the new professions.

Bureaucracy was for these earlier people a device for doing good, not the basis for their livelihood, or for their "interest" in a Madisonian sense, or for their fundamental intellectual view of the world. The professional commitments of the new bureaucracy would come to embody all these things in time, and, while doing good would remain at least at the edge of consciousness, capable always of stimulation by a leader who could provide them with power, it would become increasingly difficult to embed a morality into the professional ordering of modern life. The morality whose bureaucratic roots went back to religious beliefs gradually withered under attacks from sophisticated concepts of pluralism and privacy, and from an increasingly secular outlook on the world. The successful professional would ultimately come to be one whose technical skills could provide the mobility that led to fame and fortune. Such a success was not the same success that Wiebe's Progressives had found by 1920; it may even represent the failure of their aims.

T. S. Kuhn's *Structure of Scientific Revolutions* also provides a useful base for this discussion. Without becoming involved in the arguments this remarkable book has generated, it is still possible to raise a point important for our essay. Kuhn and others who have written about the social and cultural involvements of scientific theory as-

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sume that administration is ideally a mindless process of managing minds that becomes corrupt only if the manager interferes with the processes of knowledge development. All forms of bureaucratic theory operate on the assumption that administrative management has in common the principle that personnel are to be manipulated to produce results that are determined elsewhere. The manager has no interest in the process beyond its efficient progress toward its stated goal. The manager's ideas are the ideas of management, presumably, not the ideas of the discipline he is managing, except those essential to his function as manager. In his relation to his discipline—as contrasted with his functions as manager—he is a modern re-creation of the philosopher-king, complete with myths explaining the golden ages and evil times in the life of his institution.

One consequence of the expansion of academic institutions after 1960 and the sometimes remarkable changes in the problems of management that accompanied it has been the increasing difficulty in finding managers who can cope with the problems of relating the internal needs and interests of the institution to the external demands placed upon it. The image of the scholar-administrator has undergone a variety of changes, not all of them very clearly defined. Many university faculties continued to pride themselves on their self-government even after it was clear that those whom they selected from their ranks to administer policy were a changing breed.

Some institutions continued to rely for lower echelon positions on loyal alumni who combined basic institutional affection with some evidence of professional qualification, but increasing numbers were all-but-dissertation Ph.D. students, rejected tenure candidates, or the results of critical compromises between the university administration and its faculty. It was becoming harder and harder to find within the ranks of the academic profession individuals who satisfied the classic "scholar-administrator" ideal, and those who still did discovered that even a relatively brief career as an administrator could jeopardize their careers as scholars. Some institutions began to turn for their administrators to the quasi-administrative professions—law and business—especially those with cognate academic interests such as personnel psychology, as the increasingly complex conditions of university life required increasingly specialized skills.

Student disorders give a much too dramatic view of the problem. The search for equal opportunity and government supports and the demand for greater accountability in the uses of private resources that were once considered private matters between the university administrator and his foundation combined to require larger staffs with specialized skills. The ivory tower was beginning to look more like a high-rise labyrinth. Its scholars and their scholarship were being subjected to a systematic organization previously unknown to the American academic tradition. These changes affected Europe much less; there the tradition of church management in its various forms had laid the foundations for the bureaucratic management of the modern academic system.

For American scholars "academic freedom" was usually construed as implying liberation from the effects of the system, though there was little agreement on what form such liberation could actually take among the many institutions Americans had constructed for themselves. The rapid changes in the scheme of administrative organization for American intellectual life is perhaps one of the most striking developments of the last decade. Federal funding of projects managed by private institutions has bent, and at times fractured, the line between what was public and private, as government

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assumed powers that seemed seriously to threaten the once-vaunted independence of the private system. At the same time, an objective view of the changing relation between public government and private education would have to take into account the increasing demands from professional academics that their voices as citizens—not simply as professional specialists—be given special hearing by government policy makers. The line between the public and the private domain has been breached from both sides, and it is not easy to decide which side of this once carefully defined boundary was crossed first.

One can, nonetheless, see the motive behind it as well as the concern over its meaning. Training specialized professionals is a public necessity, which is growing more essential every day. The traditional virtues of wisdom and experience, even courage, must now maintain their place in the face of an overwhelming panoply of highly specialized technological skills. Educational and research institutions that were once considered the guardians of the road to success now find themselves rapidly becoming the guardians of the paths to survival. The consequent public ambivalence toward them is therefore understandable, as is the sometimes frenzied and always futile search for alternatives to them. One generation of students rejects academia or struggles to reshape it in the image of its own adolescence only to teach the next that it must trudge back to submit to the same ordeal. It is in the nature of the democratic process that it continually require a redefinition of the relation between necessity as it is perceived and as it exists, which is the actual basis for the shifts in the distinction between what is private and what is public. A rigid enforcement of that distinction at any given time cannot produce satisfaction for long: the hopes built up during periods of prosperity and expansion are bound to be shattered during periods of decline.

Willy-nilly, Americans have established a system of planning to which few modern societies would even apply the term and which few professional planners would acknowledge as being either a system or a plan. The bureaucracies which have been emerging over the past half-century in both public and private life are the center of the planning process. Their object is to distribute resources they do not produce in accordance with needs they do not create—at least that is their ideal role, if not always their actual function. For both the conception of the ideal bureaucrat as the efficient executer of policies set outside his office and the conception of the bad bureaucrat as the inefficient accumulator of power not designed for his office miss a central reality of any given bureaucracy: it soon becomes the vehicle for a new specialization, involving a professionalization, methodological training, and development of ideas that we traditionally associate with the emergence of any discipline. Soon it takes on ideological commitments and intellectual identity, and it comes in time to establish standards that are then the basis for generating those internal disputes which give a discipline the power to reshape itself over time, to develop and protect its membership, and to present itself to the world as a profession worthy of respect and the proper object of the ambitions of the young.

Long-range planning takes place within each discipline in terms of the support it seeks from the public it serves. Yet loyalty to the internal needs of the discipline must remain the basis of the identity of the profession, a factor which creates potential conflict with the public, with other disciplines, and with reform groups that appear periodically within the discipline itself. If resources are available to fuel these conflicts, they can then give rise to new bureaucracies that will specialize in managing the conflict.

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Modern philanthropy, then, can be described as having arisen out of a conflict among three professional disciplines: traditionally organized charity, the national industrial system, and local government. Each of these was in the process of separating itself from what it regarded as the emotional, intuitive, or political elements in its background, a process that caused internal disputes between charity officers and social workers, robber barons and industrial managers, politicians and the new public officialdom. Each of the three associated itself with one or another of the rapidly developing social sciences, thereby generating another conflict between the training of practitioners and the promotion of pure research. Fields such as medicine and engineering served as particularly productive battlegrounds as they added a further array of conflicts from the natural sciences.

The first generation of philanthropists shared a conception of wealth that enabled them to stand off from it: versions of the stewardship theory added to their Protestant religious beliefs convinced them that they were the managers, rather than the owners, of their fortunes. While public criticism and the threat of taxation probably played a part in their decision to devote their fortunes to public use, neither really explains the degree of systematic organization and attention they gave to the process. System and efficiency had been central to the tradition of Mugwump reform, as had professional education and its usefulness in promoting the general welfare. Rockefeller's conception of philanthropy owed much to that tradition. The modern foundation simply moved it to a national scale of involvement, but its reliance on staffs of "experts" had been an important characteristic from the beginning. John D. Rockefeller and Mrs. Russell Sage had very different characters and came from very different backgrounds, but both relied on the new breed of college president, the activist reform lawyer, and the specialist in medicine, public health, and the social sciences. As they reached the age when they had begun to withdraw from active involvement in their new foundations, they succeeded in finding managers who would continue to pursue their interests. The founding generation had embodied in its traditional image of itself a conception of purpose that the foundation would continue to reflect.

If one looks to the governmental bureaus of the same period—the departments of health, children's agencies, and the like, and the federal commissions—one can see a similar relation between the founding generation of reformers and the continuing operation of the agency itself. The executives who appointed the first administrators for a new agency did not look far outside the initiating group for candidates, often impacting into the agency itself the very disputes which had created it in the first place, usually in the name of compromise. The first administrators seeking staff would look for "experts" in the same lists. As a method of popular government, the American reform system—from private association to government bureau—had a characteristic effect on the bureaucracy it created. The wounds the process was often intended to heal had a way of remaining sensitive, if not indeed open, and no one could ever seem to figure out why. When the universities took on the role of training, the curricula and literature that resulted often contained versions of the same conflicts, routinized into opposing theories fought out in the relative gentility of academic journals and annual meetings.

The function of the new bureaucracies thus took on some aspects of a mediation between the donors—either philanthropists or congressional committees—and the growing constituency of specialists requiring funds. If it became harder and harder to identify the "public" whose general welfare was supposed to be improved by the activ-

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ities of the donors, that problem was exacerbated beyond belief by the widespread adoption of the notion that higher education was a "right," which followed in the wake of World War II.

Most important of all, the mediating bureaucracies run contrary to the criteria for bureaucracy established in the literature since Weber. They violate the fundamental dependence upon rationality, scientific method, and the primacy of objective rule. The mediation in which they engage is political, the democracy which created them and which continues to oversee their existence is political, and the planning in which they engage is political.

The intellectual professions have each established internal bureaucracies that manage the standards by which the professions maintain their intellectual identities. These include standards reflected in the professional association, its journals, and its other means of communication, and its relation to the educational institutions which train for the profession, to adjacent professional associations, and to both private and public sources of funding. The interlocking bureaucracies exchange personnel where that is appropriate, and even more significantly they affect the development of ideas and their communication within and without the profession. The evolution of laws protecting the professions has effectively shifted the responsibility for judging the quality of professionalism from the various publics who "consume" professional services to the bureaucracies who administer funds or the judicial bodies who determine "malpractice" or other forms of malfeasance in their use. The fact that public control of foundations is lodged exclusively in the Internal Revenue Service makes tax-exempt status the governmental definition of modern philanthropy. It also places the control of philanthropy in an administrative agency whose interest lies in limiting the activities of foundations rather than expanding them—let alone concerning itself with the intellectual enrichment that private philanthropy has claimed as its role in American life.

At the same time, congressional oversight of the government's funding of research raised questions, usually after the fact, which tried to define the appropriateness of the public's funding of seemingly outrageous projects, if practicality or utility is to be the public's basis for judging appropriateness. What Kenneth Culp Davis has called "discretionary justice" questions the degree to which true justice is served by turning over to administrators of the law the real responsibility for defining the public interest. Theodore Lowi questions the "pluralist" idea of law which leaves to various local, even private, interests the power to re-create legislative intent to the point of subverting it. Administrative interpretation of law becomes new law. Add to these factors the increasing public rebellion against the once virtually sanctified medical profession, increasing concern over the public's "right to know," and stumbling efforts to redefine "privacy," and the basic issue is revealed: Just at the time in history when technological development seems to require the highest levels of responsible bureaucratic management and thoughtful, systematic planning, the public is in full rebellion against government at all levels, including the bureaucracies that determine the public good. Planning threatens the democratic tradition, not because planning is undemocratic, but because the bureaucratic elites who manage planning are undemocratic. One might well ask why this should be.

First of all, it is no longer possible to adhere to the traditional bureaucratic theory of an ideologically neutral commitment to method. Defining the "good bureaucrat" as someone who takes his orders from outside subjected bureaucracy to the highest moral

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standards the community could accept, but kept the bureaucrat efficiently responsible only to his daily tasks. This could at times raise Eichmann-like questions, but only under the extremes of Eichmann-like circumstances, and it could also make bureaucracy inherently democratic by insisting that an externally imposed democratic ideology would keep it democratic. Watergate was perhaps our first major demonstration of the breakdown of that conception, but it may be only the first. Its dramatic aspects may lead us to the mistaken illusion that it is unique. We may learn some day that it was only the visible tip of America's first bureaucratic revolution, that a president was forced to resign his office as a result of revelations provided to the press by a bureaucracy defending itself from attack by the nation's chief elected official. We can celebrate it only if we decide that it was a unique event made possible by a president we did not happen to like. We can still be sure that it will happen again, and to a president about whom we may feel quite differently.

But part of the problem is old. Laski's conception of bureaucracy assumed that the drive for power was the inherent bureaucratic evil that had to be checked. Weber's solution was to provide technical control through professionalization and rationalization of standards. One can extract from Parsons's view of professionalization still another democratic safety valve: that as the knowledge on which professions rested became less arcane, the protective privacy of professions would come under rationalized public control. However correct that conception may have been in theory, it does not speak to the reality we have been experiencing over the last decade, and it may even have obscured it in some crucial respects. For it now appears that professions develop bureaucracies to protect themselves from public control and that they provide those bureaucracies with ideological commitments. The new bureaucrats, unlike Weber's efficient neutrals, are passionately committed to the professions they protect because they are themselves members of the profession first and bureaucrats second. They share the private ideology of the profession and a belief in the importance of maintaining the privacy of its standards and in its own responsibility for policing them. This has been as true of the medical profession as it has been of the Mafia, and as true of the university professor as of the politician.

A second important reason for public disillusionment with the bureaucracy is that the classical conception of rational bureaucracy assumed rationality to be a universal transcending the ideological commitment of a given profession; what is rational for one will be rational for all. It did not take into account the confrontation of two rationalities which can produce a conflict that is not resolvable by the rational means common to both. Such issues as the prolongation of life under any and all circumstances, public responsibility for world population, military technology, and scientific research all raised fundamental questions when viewed through the conflicting professional commitments of those who concern themselves with various aspects of the argument, on the one hand, and the expanding bureaucracies designed to promote a carefully managed public interest in the issues in support of growing specialization, on the other.

The traditional American method of dealing with such problems had been to rely on concepts such as pluralism and free enterprise, which were supposed to solve the problems of limiting control and leave planning free to meet public needs. It may be a remarkably brilliant method, but it has two crucial flaws: the first is the belief that the process is self-regulating, and the second is the assumption that it involves no irrational conflict. The assumptions that private philanthropy is experimental rather than conservative and that government planning is democratic rather than coercive are out-

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moded beliefs from an era of consensus. Democratic planning is a process of conflict which is not always rational; it depends upon the belief that public intuition is the ultimate, and perhaps even the best, judge—an assertion, by the way, made by Aristotle several thousand years ago. To argue that technological change and rational bureaucracy will significantly reduce the level of conflict in a democratic society is to argue the end of democracy as we have known it. Such arguments also overstate the strength of human wisdom and fall within the range of the ancient catalogues of sin.

A planning elite can be democratic only to the extent that its commitment to democracy is greater than its commitment to planning. The philanthropic elite of the nineteenth century seemed to know that: they assumed the elite they were creating would somehow come to the idea on its own. But they were relying on a monumental guilt instilled in them by their rigid Protestantism, not by their money. We freed ourselves from the Protestantism, and we may just now be beginning to see the consequences.

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HARVEY C. MANSFIELD, JR.

The Right of Revolution

SOMEWHERE AMIDST THE UNEASY SELF-CONGRATULATION of the American Bicentennial there ought to be concern for the right of revolution—that principle by which and on which this country was founded. How does it stand today? It has, first of all, nearly disappeared as a subject of political discourse in America. The Declaration of Independence proclaimed both the right of revolution for all peoples and the independence of one particular people. Their independence led to the formation of a republic owing its birth to that universal right. But instead of defending both the principle and its application, Americans today are falling back on the defensive. They divide themselves into liberals and conservatives, each conceding one point and clinging to the other: conservatives cling to the established republic, and do not maintain the right of revolution by which it was established; liberals maintain that right, but interpret it as meaning endless social change, even though this may eventually erode or destroy the republic thus established. One side cannot explain how the revolution began; the other cannot explain why it was ended. But for both, "the right of revolution" appears embarrassingly naive and rhetorical, an awkward enthusiasm of youth best wrapped in quotation marks and put away in an attic trunk. A more mature people, they say, must submit to the necessity either of clinging to what it has or of exchanging what it has for something new.

In the two most sophisticated recent restatements of liberal democratic political philosophy, the right of revolution does not appear at all. John Rawls, in *A Theory of Justice*, allows for civil disobedience, once a liberal regime has been established, and for "just war" by any country in its own defense, but he does not provide a right of revolution by which the regime could be established according to the principles he lays down. To ensure impartiality, he asks prospective citizens of his constitutional democracy deliberately to draw a "veil of ignorance" over their eyes, so that they see only what is just for them to see. Lacking knowledge of their particular circumstances and interests, such citizens could have no grievances of their own against the previous regime and, if they have a right to revolt against it (which is not said), they are required as a matter of impartial justice to forget the occasion for which they might have exercised that right.[1] Similarly, prospective citizens in the libertarian scheme of Robert Nozick (the second of the two liberal restatements) are said to "back into the state," led (or pushed?) by an invisible hand to an end they did not intend.[2] They do not gather in common deliberation to overthrow with collective force a government that oppresses them and to institute one that secures their rights.

Of course, both Rawls and Nozick set out to supply hypothetical "constructs" for

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a free society, not plans for constructing one. But that is precisely the point: men could not together use these constructs to establish a free society. Rather, each dispassionate individual would have to be led into free society by a contrived necessity which all would calculate simultaneously.

Historians, too, seem to have no use for the right of revolution. Some of them have dismissed it as propaganda, but a more recent and more sophisticated view—that of Bernard Bailyn—deprecates it as ideology. Bailyn admits—or rather asserts—that Americans once sincerely believed such a right existed and that they acted on that belief. But because such a right did not, and could not, exist, the American revolutionaries did not really know what they were doing. The explanation of their conduct given in the Declaration is as far from the truth as if it were propaganda. They were not choosing to control their destiny, as they said and believed; they were caught up more or less unwittingly in what Bailyn calls "the logic of rebellion."[3]

Almost everyone admires the men who made the American Revolution. But the sum of the current opinion of philosophers, historians, and those of us infected by them is to distrust their principles for their naiveté. A *right* of revolution implies that one has the choice of exercising it or not: hence a belief in the power of men to choose, and to govern themselves by their own choice.[4] To our age, this belief appears as a kind of bravado that may be patronized but deserves to be despised. Or do we perhaps fear the naiveté of the American Revolutionaries more than we despise it? In either case, to understand the right of revolution, one must try to recover from it the element of choice which is neglected by both left and right and suppressed by educated opinion. To do this, I propose to look at choice and necessity in the Declaration, to consider the later submergence of choice in conservatism and in Marxism, and then to reach back for a more original view in a classical source, the political science of Aristotle.

The Declaration begins with a statement of revolutionary necessity, but not of the kind usually heard today: "When in the course of human events it becomes *necessary* [my emphasis] for one people to dissolve the political bands which have connected them with another. . . ." All peoples are entitled by the laws of nature and of nature's God to a "separate and equal station" with other peoples, but only now has this one people found it necessary to "assume," or, to speak less confidently, to claim its equal station. This recognition has come about "in the course of" certain events, and not out of "historical necessity," as we might say. Although the American people has been a colonial people, there is no reproach to the British for being imperialist, no analysis of the relationship between colonial and imperialist peoples, and no conclusion that colonial peoples must necessarily revolt against the oppression of imperialism. Instead, one people has decided to dissolve its political ties with another, which in happier days it had consented to maintain. It has always existed as a people, and while dependent, it has had a right to independence. But it has not held this right merely by virtue of being a people with a certain common culture or language.

The Declaration does not maintain that there is a right of national "self-determination"—that merely because peoples have been thrown together in a common destiny they deserve to be independent as if all peoples were fated to be so. Although most or all nations may have been formed by accident, their right to independence does not rest on inadvertence, but on the right of consent to government. This they hold not as a people but as individuals. It is not because peoples are diverse that they have the

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right of independence, but because all men as individuals are created equal. Because all men are equal, they hold unalienable rights to life, liberty, and the pursuit of happiness. For nobody can reasonably yield or alienate these fundamental rights to his equal, or justly ask his equal to alienate them to him. Although these rights are unalienable, however, they are not by that token secure; government is needed to secure them. When men are held to be equal, they compete with one another even more than when they are held to be unequal. When their rights are held to be unalienable, they are more difficult to limit and to make consistent with each other than they would be if they could be sold or given away.

To secure these rights, governments are instituted among men, but to be consistent with unalienable rights, governments must derive their just powers from the consent of the governed. Only after establishing the need for government by consent of the governed does the Declaration state the right of revolution: ". . . whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or abolish it, and to institute new Government. . . ." The case for the independence of "one people" from another rests on the right of revolution that "the people" have against their own government, whenever that government becomes destructive of the rights it was instituted to secure; the narrower case of a colonial people is therefore decided by the broader right of all peoples. This broader right presupposes a condition of men as equal individuals, as they were before they became members of a people, or as they are apart from being members of a people—the so-called "state of nature" set forth in the political philosophy of John Locke.

The Declaration, then, is not a document of nationalism arguing for the necessity of revolution in giving expression to national aspirations. According to the Declaration, free government, not nationalism, is both the ground for and the result of the right of revolution. No people or nation has the right to revolt against another people or against its own government if its object is to institute a government not resting on consent. Nor has it a right to revolt on behalf of another people or nation and to conduct a war of liberation for that people without obtaining its consent. Although the Declaration proclaims a universal right and offers "a decent respect to the opinions of mankind," it is as little a document of internationalism as of nationalism. Each people is to make its own revolution and to institute its own free government.

Yet, while requiring that a people must institute a government and, in doing so, agree not to abandon its power of consent—for even choice has its necessities—the Declaration gives further scope to human choice by not specifying the form of government the people must institute. They have the right "to institute new Government, laying its foundation on such principles, and organizing its powers in such Form, as to them shall seem most likely to effect their safety and happiness." No doubt Thomas Jefferson and others were ready with sound counsel for a free people on precisely what form of government would best ensure their safety and happiness, and no doubt the people would be well advised to accept some of this counsel, and would reject some of it at their peril. The people should certainly avoid instituting a government that would be likely to repeat the "injuries and usurpations" that the Declaration accused George III of perpetrating. They should, for example, institute a government giving the people "the Right of representation in the Legislature, a right inestimable to them and formidable to tyrants only." But to have a choice means, in any case, that one is free to choose considerately, not capriciously.

The choice left open to a free people by the Declaration is nothing less than the

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most comprehensive choice that men can have or presume to have: how to govern themselves for their mutual safety and happiness. Such a choice is not merely between this and that; it requires a foundation and leads to the founding of a government that secures future choice, probably by elections. The choice of government is a matter for deliberation which must be put off until the Declaration is no longer needed and can no longer suffice. The choice of founding a government, when it is exercised deliberately by a people, lends dignity to that right of consent which men have as individuals and which they may exercise at their discretion.

When may the right of revolution be exercised? "Prudence," the Declaration says, ". . . will dictate that Governments long established should not be changed for light and transient causes. . . ." And happily the disposition of mankind accords with this general reluctance that arises from prudence; ". . . mankind," the Declaration continues, "are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed." But, in the present case, despite the "patient sufferance" of the American people, a "long train of abuses and usurpations" makes revolution a "necessity," and the Declaration repeats this judgment of "necessity" both before and after listing the abuses. When revolution becomes a necessity, the "right" of revolution becomes a "duty," as the Declaration says; and the choice of exercising that right, as we shall explain, should be understood as a judgment. The abuses and usurpations described constitute "a long train" because "pursuing invariably the same object, [they] evince a design to reduce [the American people] under absolute Despotism. . . ." "The direct object" of George III was "the establishment of an absolute Tyranny over these States."

Serious historians today do not concur in the judgment of the Declaration that George III and his ministers were aiming at an absolute despotism or absolute tyranny over the American people;[5] the common judgment today is that they were simply bumblers. If they had any scheme at all, it was certainly less ambitious than tyranny. The American revolutionaries "overreacted," and, in 1976, Americans are celebrating the Bicentennial of a successful overreaction. Some historians even agree with the British and with the American Tories of the time that the Revolution was stirred up and the Declaration was made quite unnecessarily (or at least not out of the stated necessity) by a squad of agitators and hotheads. As noted above, Bailyn has argued more moderately that the American revolutionaries understood their situation in terms of an ideology of conspiracy taken from the opposition "country party" in eighteenth-century England.[6] In the rhetoric of that party, it was customary to claim that a conspiracy of ministers acting in a pattern of deceit and corruption was bent on overthrowing the constitution and destroying the people's liberty. By adopting this language, the American revolutionaries became in a way as much the victims of their propaganda as was the British government. The Revolution came about, as Edmund Burke had predicted, after an escalation of mutual distrust. It was not the result of a choice. If any choice was made, it was that of the British government in not attempting Burke's suggested policy of reconciliation.

To answer a question about the causes of the Revolution would require an historical study beyond my capacity. But to encourage such a study, a more adequate interpretation of the right of revolution than that of an imported conspiratorial delusion can at least be proposed. To do so, we shall need to consider the theories of John Locke, for not only did the fundamental rights proclaimed in the Declaration come from Locke, but also the reasoning as to when the right of revolution may be exercised

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to secure them. Locke does not explicitly declare a right of revolution, as the Declaration does; he speaks rather, with his usual sly caution, of an "Appeal to Heaven" against the abuse of legislative or prerogative power. By this he clearly does not mean patience and prayer, because, he says, men must judge whether they have a "just cause" to make their "Appeal to Heaven," and, to decide this, they must consider whether their government endangers their lives, "God and Nature never allowing a man so to abandon himself, as to neglect his own preservation. . ." (*Second Treatise* 168).

It is a strange appeal to heaven in which a just cause consists of one's own preservation, and Locke himself must have thought it could easily be confused with, or could easily amount to, a right of revolution because he next considers whether "this lays a perpetual foundation for Disorder. . . ." It does not, he says, because the appeal "operates not, till the Inconvenience is so great, that the Majority feel it, and are weary of it, and find a necessity to have it amended" (168). The people have a "slowness and aversion . . . to quit their old Constitutions" (223); they will pass over "great mistakes" by their rulers and "many wrong and inconvenient laws" (225). "But if a long train of abuses, prevarications and Artifices, all tending the same way, make the design visible to the People. . ." (225), or if "the general course and tendency of things cannot but give them strong suspicions of the evil intention of their Governors. . ." (230), then they will rouse themselves and seek an opportunity to revolt.

Locke wants to justify revolution without encouraging revolutionaries. He would like to prevent the mischief that "a busie head or turbulent spirit" (230) can do, and so he asserts that whoever overturns a just government is guilty of the greatest crime of which man is capable. Perhaps that is why he calls the right of revolution an appeal to heaven, and, instead of claiming the title of revolutionary for himself, he throws the accusation of rebellion back onto lawless rulers. For him, as for the Declaration, the choice of exercising that right is limited to a condition of necessity felt by the majority for some time.

When will that necessity be felt? Locke uses expressions similar to those in the Declaration: When there is a "long train of abuses. . ." (225), "a long train of actings. . ." (210), and "strong suspicions of the evil intention of their Governors" (230). Particular injustices and isolated cases of oppression are not enough (Locke turns a cold shoulder to these); just as in the Declaration, abuses must constitute a pattern of tyranny, of "endeavors to get and exercise an Arbitrary Power over their People" (230).

What constitutes this pattern, and who discerns it and calls it to the attention of the people? Locke does not say; he sometimes leaves the impression, indeed, that each individual will decide independently, without guidance from others (210). But he also indicates that the "Body of the People" will follow their leaders (208, 223). We can readily assign the task of constituting the pattern to the "true Representatives of the People" (222), or "opposers" of unlawful authority (218), that is, to the revolutionary leaders of the people, the very kind of men who composed and signed the Declaration.[7] Mankind is patient and long suffering, sometimes too much so. Patience may make people submissive and incline them to accept those "great mistakes" that rulers make as if they were accidents or decrees of a higher Power. They need leaders to show them that the pattern is there and to impute an intention behind the "mistakes" (218); they must be roused to make an appeal to heaven, or else they will rest docile under the judgment of heaven.

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It may even be necessary, one might suggest, to exaggerate the evidence of evil intent when there are only "strong suspicions" to go by (230), and not yet a "visible design" (225). In America, for example, George III could either have stumbled into a tyranny which was not at first intended, or he could have been bent on such a course from the start. But the last moment is usually not the best moment to revolt against tyranny, and to warn against well-meaning or careless blunderers may not suffice to sound an alarm. The people must be made to see oppression before they feel it; the necessity of the last moment must be substituted by the opportunity of the best moment when revolution can succeed. It becomes necessary to anticipate necessity, to extrapolate from ambiguous signs, and to read intent into mistake. Intent is the vital point, because men will not "rouse themselves" until they consider themselves victims of tyranny rather than of error or accident. Exercising the right of revolution becomes necessary when one is faced with hostile intent; one choice becomes necessary to answer another.

While at first the choice of revolution was limited to those situations where it appeared to be necessary, now we find that the necessity must be seen before it actually exists. The "conspiracy theory," it appears, has now become essential for the prudent exercise of the right of revolution: it might therefore make more sense to explain the ideology of conspiracy by the American Revolution, rather than the other way round. The choice of revolution should be considered a judgment of impending necessity. It is neither fated nor entirely free, but it is made according to a standard (self-preservation) which must be applied in circumstances that are open to dispute. It is the judgment about a previous choice of government preparatory to a new choice of government. For Locke, this judgment upon an unlawful government seems equivalent to the judging of a man in the state of nature or the state of war, when he "judges" the hostile design of an enemy to "get [him] into [the enemy's] Power without [his] consent" (17).[8] But, in society, the individual has the aid of his leaders in making judgments.

That most of mankind is slow to anger makes it safe to allow the right of revolution, but it also creates a difficulty: what happens when men are *too* patient, and will not exercise the right at all? It is then that impatient men serve their purpose, and employment is provided for the "busie head or turbulent spirit." At the end of the Declaration, it is not the American people, but their representatives, who "mutually pledge to each other our Lives, our Fortunes, and our sacred Honor." These men were so far from a passive acceptance of necessity that they put a stake on their choice. If it sounds strange to call them impatient, busy, or turbulent, let us take them at their own estimate and call them "honorable." Their honor is represented by the spirit of risk and sacrifice that lends nobility to revolution in a just cause.

In a letter to James Madison, Thomas Jefferson made his famous remark that "a little rebellion now and then is a good thing . . . a medicine necessary for the sound health of government."[9] But in the Declaration, with the whole world watching the American experiment, he takes the occasion more seriously and presents the revolution as an honorable choice, the choicest of choices, rather than as a regular laxative of quick tempers prescribed by an unconcerned physician. Only if the revolution is just can it be honorable, because only then is it more than self-interest that prompts an impatient man to become a revolutionary. For him, risk is amusing and sacrifice is gain; and unless risk and sacrifice are well chosen for the common benefit, his honor is nothing but his own quirk. In addition, only if the revolution is honorable can it be

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just. Honorable men who have "a decent respect to the opinions of mankind. . ." cannot but "declare the causes which impel them," as the Declaration says. We have seen that they must read necessity before it arrives and impute an intent before it is fully formed. There would seem to be a danger of cynical manipulation in this. But in identifying the "long train of abuses," they assume responsibility for the declared causes and pretexts of the revolution as the causes that move *them*. Their "conspiracy ideology" is a public accusation replete with "facts . . . submitted to a candid world" which may be disputed if they are disputable (as they are likely to be).[10] They do not let confusion ripen and maneuver for position so that they can seize power from those who have been responsible for it, as did the Jacobins and Bolsheviks. Jefferson's Machiavellian wisecrack was directed at Shays' Rebellion in Massachusetts, a small affair easily condescended to. But if taken seriously, his statement demeans the Revolution he made and for which he accepted responsibility.

When we consider the risk of choosing to exercise the right of revolution, we are reminded of the need to defend this choice. Since the right of revolution is based on the individual's rights to life, liberty, and the pursuit of happiness, and since these rights must be secured by a government resting on consent, revolution is a change of government. Americans, however, could not institute a new government without dissolving the political ties that had connected them to the British people under the king; therefore, the right of revolution became for them the right to independence. But every people must have begun with the need to assert this right against other peoples. Only with such an assertion could they have claimed the "separate and equal station" among the powers of the earth to which they are entitled. One must not forget that the Declaration of Independence was a statement of reasons for going to war. A people makes itself independent when it chooses, and it holds to its choice when it defends its independence by defending the government it has chosen against external and internal enemies. To be frightened out of one's choice is not choosing: the revolution must be secured, if not brought to a stop, by the defense of the new government; otherwise the meaning and the dignity of choosing to revolt are lost. The right of revolution cannot be reduced to a rage for overturning anything established, or to a complaisant acceptance of whatever "social change" may bring.

When revolution is a right it must be a choice. But today revolution has been more typically presented as a necessity, and the right of revolution has been denied either because revolution must never be chosen or because it cannot help but be chosen. The first position is argued by Edmund Burke in his *Reflections on the Revolution in France*. Near the beginning of that work he disputes the claim of an English "Revolution Society" that the people of England had a right to choose their own governors, to cashier them for misconduct, and to frame a new government for themselves. In denying this right, Burke makes no reference to the American Revolution; instead he advances the English Revolution of 1688 as the true model and places the French Revolution in contrast. But no right to choose one's own governors was claimed in the Revolution of 1688. Rather, the rights and liberties of the subject were declared, and the succession of the crown settled. To make that Revolution, Englishmen did not abstract themselves even from the particular line of royal succession, much less from the monarchy itself. They merely specified the succession, and Burke says that their acceptance of William "was not properly a *choice*; . . . it was an act of *necessity*, in the strictest moral sense in which necessity can be taken."[11]

The Revolution of 1688 was, therefore, not a founding, nor did it lead to one,

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according to Burke. Neither state nor society was dissolved, but the constitution was repaired by regenerating the deficient parts through the sound parts, by specifying a Protestant succession through an act of the legislature and with the support of the principal nobles and bishops. The principle of hereditary succession was maintained even as its direction was somewhat altered, and this was done particularly to avoid the act of electing the king, which would have been the choice of "the organic *moleculae* of a disbanded people."[12] Even this change was not made to punish misconduct, for misconduct is a matter of opinion; it was done to correct a breach in the original contract between king and people out of "a grave and overruling necessity."[13] In this view, revolution was not a right of the people to be exercised when they are persuaded revolution is necessary; it was a necessity that became evident to their leaders, "those whom nature has qualified to administer in extremities this critical, ambiguous bitter potion to a distempered state."[14]

The English Revolution in Burke's presentation was thus very far from the hope and exhilaration of the American one. He mentions those who have "the love of honorable danger in a generous cause," but he affirms that, in any case, revolution "will be the very last resource of the thinking and the good." The causes of such a revolution will not be announced in a Declaration designed to prove to the world that they are not "light and transient causes"; on the contrary, they will be covered over "with a politic, well-wrought veil."[15]

Burke expands on "the idea of inheritance" that is to replace the right of revolution. Our political system, he says, works "after the pattern of nature"; it is in "symmetry with the order of the world."[16] He describes it as "a permanent body composed of transitory parts," and he compares it to the whole of the human race, which at any given time is never old, or middle-aged, or young, but always the same, while it moves through decay, fall, rise, and progress. In this "philosophic analogy," the constitution is likened to a body—the human race—which has no form. It is not likened to an individual human body with a form, as certain medieval thinkers conceived it. The analogy is generic rather than organic, and Burke expressly dismisses the idea of organic molecules. To avoid dissolving the constitution into molecules, he excludes the notion of form. Now since the form of the constitution, as of the human body, would be evident in the order of the parts, Burke does not prescribe any particular order of parts as required for a constitution. The parts of a constitution are remarkable for their variety and for the complexity of their relations, but not for their order. Their order varies over time as they rise or fall and as each part may need to be repaired. These repairs are not made with reference to a comprehensive plan.

As the constitution lacks a form and is not made by a founding, it cannot be the product of a choice. One cannot choose the cast of a permanent body, surely not the body of the human race or some other race. With the idea of inheritance, Burke says, "our liberty becomes a noble freedom."[17] It has a long descent and an impressive pedigree, although not from founding fathers. We "have chosen our nature rather than our speculations," he claims, and thereby dissociates human freedom from speculative reason as well as from choice. Variety remains, and so men can choose among and between things; but there is no choice of the whole by which men govern themselves.

One objection to Burke's thought, and one that has often been raised, is that he has no response to the fact of revolution, that he cannot accommodate a break in the inheritance that constitutes society. He can accommodate such a break as a tremendous accident or a decree of Providence,[18] but not as a human choice. Consequently,

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while one may both admire Burke and salute the Declaration of Independence, one cannot claim that they are consistent with each other.

Today, however, Burke is no longer the principal antagonist of the right of revolution. That title belongs, strangely enough, to Marxism. Marxism has several sources, the most immediate—perhaps the most important—of them being the movement known as Idealism. Idealism had as its aim the rescuing of human choice from the weight of historical and empirical considerations, such as those in Burke's thought. One branch of Idealism attempted to make our choices independent of circumstances, but the other branch, more influential in Marxism, sought to find a guarantee for human choice and freedom in the very historical necessity that seemed to endanger them. This paradoxical solution was so far refined in Marxism that revolution was transformed from a right to be exercised by choice when circumstances made it necessary into an historical necessity that introduced "pure" freedom. The revolution that no man can choose to deny or affirm will establish the communist society of pure freedom in which "the free development of each is the condition for the free development of all."

This society is so free from necessity that it is difficult to know what it will be like, but apparently people will be able to choose different occupations on different days, or even on the same day, as fancy strikes them. Since each can develop freely with all, there is no need for individual rights, which are, of course, rights of one human being against other human beings. Although freedom is assured to an extent never before seen and barely imaginable, individual choice can scarcely be said to exist, because individual choice implies individuals separate from one another and equipped with different interests. But if each can develop freely with all and no one even looks over another's shoulder, much less sneezes in his face, it must be as if human beings no longer had separate bodies with the dreadful capacity of introducing a division of labor.

Further, although freedom is not, properly speaking, individual, it is also not comprehensive, because the comprehensiveness of communist society has been guaranteed by historical necessity irrespective of human choice.[19] As there is no need for individual rights, so there is no need for a government to secure them. Communists do not revolt against one government in order to found another, not to mention to found one deriving its just powers from consent. As there is no founding of communism, there can be no comprehensive choice in which free will and necessity are reconciled and free men can acquire a part of what they want at the cost of putting up with something they do not want. Such a choice would be an intolerable and unnecessary compromise with necessity. The only problem lies in the transition from necessity to freedom. Men cannot go from intolerable necessity to pure freedom by choice, because choice as we know it must always compromise with necessity. Above all, men do not found a constitutional form of government for this purpose: this would imply a permanent compromise with the limitations of human nature. Instead, the transition is accomplished by a government fittingly called the dictatorship of the proletariat, because it is temporary, designed to meet an emergency, and free of moral or political inhibitions. Under this regime, constitutional guarantees are suspended until the moment when they are no longer necessary; all is necessity until freedom is perfect. Meanwhile, in certain quarters of the world, the emergency has lasted a long time.

Despite the grave political differences to which the Declaration, Burke, and Marx-

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ism have given rise, they have something in common which has become dubious to us, namely, their optimism. Marxism, with its belief that all conflicts dividing human beings will soon be overcome, displays the most, and the most obvious, optimism. But Burke, too, held the optimistic belief that the constitution of a people had a sort of guarantee of prosperity or survival by "philosophic analogy" with nature so long as it was not too much disturbed by speculative reasoners. In the Declaration, we also find a confidence, no longer possible to share, in the belief that, though human divisions cannot be overcome, human rights can be made reliably secure. To proclaim a general or categorical right of revolution implies that the right will generally be used for good, that it will keep governments in wholesome fear more than it will provide an opportunity for vindictive revolutionaries. Locke reflects this happy faith when he says that if any mischief should come from his doctrine, "it is *not to be charged* upon him who defends his own right, but *on him*, that invades his Neighbors" (228). This is well and good if the oppressor can be surely identified and quickly put down, but what if free men grow weary of defending their own right? Then the doctrine can be seized, modified, and used by their enemies to confuse them. We note again that Locke himself, in contrast to the Declaration, did not expressly affirm the right of revolution.

Such optimism is not tenable now. It is no longer easy to suppose that necessity is the guarantor, or even the friend, of choice and freedom. When we do, we expect too much from revolution or social change; and if we expect too much, we then fall into the habit of tolerating and even praising whatever happens, and we fail to do what we can or might do. There may be no solution for this fundamental fault in the right of revolution, but before so concluding, we should investigate the discussion of revolution in the fifth book of Aristotle's *Politics*.

Aristotle does not affirm the right of revolution; he merely says that revolutions happen, and have two causes. One cause is universal and necessary; it is the imperfection of all existing regimes in failing to attain justice. This cause would seem to justify revolution, but in fact it discourages it, because it tells us that the result of revolution will be little better, no better, or even worse than the status quo. The other cause comprises the many particular accidents that are the usual pretexts for precipitating revolution, all of which involve honor.[20] Aristotle does not affirm the right of revolution, then, because for him the universal and necessary cause of revolution is not encouraging. On the contrary, necessity in general teaches men that they should not revolt and that political action offers no cure for the admitted injustices of all regimes. Virtuous men are few; thus, in order to throw the rascals out, they must ally themselves with other rascals. After such an alliance, one is not apt to notice much improvement.

But is it possible for virtuous men to ally with honorable men—less philosophical beings, who resent the injustices done to them and are eager to act? Honorable men do not need or desire a categorical right of revolution because they disdain the help of necessity or the optimism which that right implies. They do not need a guarantee of success; therefore, they are more reliable when success is in doubt. Solzhenitsyn, among others, describes the behavior of Marxist revolutionaries when they are imprisoned by their own party; these once formidable men cringe before terrors they had so lightly imposed upon others, fawn before their captors, and babble false confessions to their condemners. They lack, he says, an "individual point of view," by which he means a sense of honor.[21]

To recapture the meaning of the American Revolution, it might be well to take a

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cue from the last sentence of the Declaration, where the American revolutionaries gave a mutual pledge of their honor, and to rely more on honor and less on necessity as support for revolution. Honor is surely no panacea. No reasonable man would endorse every revolution that began with an irritation that can be called dishonorable. To free men, honorable men may sometimes seem to be more trouble than they are worth. But honorable men are not without some check to their pride. The last sentence of the Declaration also says they act "with a firm reliance on the protection of divine Providence," since they have already appealed to "the Supreme Judge of the world for the rectitude of [their] intentions." Providence is not merely more powerful than men, as is historical necessity, but also above them. And if easily irritated upstarts fail to take the hint from the Supreme Judge, then the natural conservatism of the people will leave them to cry in the wilderness—just as the people will be roused from indifference by an appeal to their honor coming from honorable men.

If the American liberal democracy now established as the eventual result of the Declaration of Independence is still worth conserving, it must be because, if given the opportunity, Americans would choose it again. To support this choice, should it be reasonable, something sounder than the false assurance that we must of necessity be on the winning side is needed. For this we might take note once more that, according to the Declaration, human nature has both a liberal side in the spirit of honorable revolt and a conservative side in sober prudence. To accept this view, one must also accept the possibility that the Declaration contains an analysis of choice and necessity to support its assertion of a choice.

References

[1]John Rawls, *A Theory of Justice* (Cambridge, Mass., 1971), pp. 12-15, 19, 22, 110, 115, 196.

[2]Robert Nozick, *Anarchy, State and Utopia* (New York, 1974), pp. 7, 10-25, 108-10.

[3]Bernard Bailyn, *The Ideological Origins of the American Revolution* (Cambridge, Mass., 1967), chapter 4 and p. 158. See also *idem*, *The Ordeal of Thomas Hutchinson* (Cambridge, Mass., 1974), p. ix.

[4]According to Federalist No. 1 (by Hamilton), it was left to the American people to decide whether men could establish good government by "reflection and choice" rather than by "accident and force." Perhaps this opportunity was reserved to them because, as Jefferson said, Americans had exercised their natural right of "departing from the country in which chance, not choice, has left them. . . ." *A Summary View of the Rights of British America*, *The Papers of Thomas Jefferson*, ed. J. P. Boyd (19 vols. to date; Princeton, New Jersey, 1950-74), I, p. 121.

[5]The causes set forth by the Declaration, Carl Becker says, are not those "a careful student of history would supply," *The Declaration of Independence* (2nd ed., New York, 1948), p. 6.

[6]Bailyn, *Ideological Origins*, pp. 155-59.

[7]See also *Second Treatise* 242. Perhaps the author of "this Doctrine" (226), a prudent man like Ulysses (228), deserves to be counted as a revolutionary even if he avoids the title.

[8]*Second Treatise* 13, 16, 17, 19, 21, 87, 91. Note that Locke refers to the example of Jephtha making an appeal to Heaven in discussing the state of war (21), the beginning of political societies (109), the right of the conquered (176), and the dissolution of government (241). I am indebted to Nathan Tarcov here for generously sharing with me his knowledge of Locke.

[9]Thomas Jefferson, Letter to James Madison, January 30, 1787.

[10]See Thomas Hutchinson's point-by-point refutation, *Strictures upon the Declaration of the Congress at Philadelphia*, ed. Malcolm Freiberg, *Old South Pamphlets*, No. 227 (Boston, 1958; first published in 1776).

[11]Edmund Burke, *Works*, 8 vols. (Bohn Library edition, London, 1855), II, p. 292 (emphasis in the original). See Locke, *Second Treatise* 223.

[12]Edmund Burke, *Works*, II, p. 296.

[13]*Ibid.*, p. 301.

[14]*Ibid.*, p. 304.

[15]*Ibid.*, p. 293.

[16]*Ibid.*, p. 307.

[17]*Ibid.*, p. 308.

[18]See the last paragraph of *Thoughts on French Affairs*, *ibid.*, III, pp. 392-93.

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[19]I consider the revolutionary will of Maoism and similar movements within Marxism to be zeal in the furtherance of historical necessity, not choice.

[20]Even causes involving gain are effectively matters of honor, because those seeking gain are comparing themselves with others; Aristotle, *Politics*, 1302a, 32-35.

[21]Aleksandr I. Solzhenitsyn, *The Gulag Archipelago* (New York, 1973), I, p. 414; see also II, pp. 322-52. Michael Walzer, *Obligations* (Cambridge, Mass., 1970), chapter 9: "Political Solidarity and Personal Honor." At the end of Walzer's excellent discussion it remains unclear whether in his opinion Marxist Communism denies "personal honor" in principle or merely occasionally stifles it in practice.

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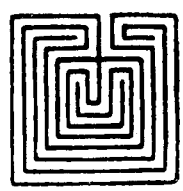
INDEX
1976



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CONTENTS OF DAEDALUS, VOLUME 105, 1976

No. 1, Winter 1976, "In Praise of Books"

	v	*Preface*
SHIRLEY ROBIN LETWIN	1	*Hobbes and Christianity*
TONY TANNER	23	*Julie and "La Maison Paternelle": Another Look at Rousseau's* La Nouvelle Héloïse
BERNARD CAZES	47	*Condorcet's True Paradox, or The Liberal Transformed into Social Engineer*
FRANK E. MANUEL	59	*In Memoriam:* Critique of the Gotha Program, *1875-1975*
HEINRICH VON STADEN	79	*Nietzsche and Marx on Greek Art and Literature: Case Studies in Reception*
J. HILLIS MILLER	97	*Walter Pater: A Partial Portrait*
PEARL K. BELL	115	*Edmund Wilson's* Axel's Castle
EDMUND BURKE III	127	*Frantz Fanon's* The Wretched of the Earth
ERNEST GELLNER	137	*The Sociology of Robert Montagne (1893-1954)*
EDWARD W. SAID	151	*Raymond Schwab and the Romance of Ideas*
KURT W. FORSTER	169	*Aby Warburg's History of Art: Collective Memory and the Social Mediation of Images*
HENRI ZERNER	177	*Aloïs Riegl: Art, Value, and Historicism*
SPIRO KOSTOF	189	*Architecture, You and Him: The Mark of Sigfried Giedion*

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ELECTRONIC REPRODUCTION PROHIBITED

No. 2, Spring 1976, "Adulthood"

	v	*Preface*
ERIK H. ERIKSON	1	*Reflections on Dr. Borg's Life Cycle*
HERANT A. KATCHADOURIAN	29	*Medical Perspectives on Adulthood*
ROBERT N. BELLAH	57	*To Kill and Survive or To Die and Become: The Active Life and the Contemplative Life as Ways of Being Adult*
WILLIAM J. BOUWSMA	77	*Christian Adulthood*
IRA M. LAPIDUS	93	*Adulthood in Islam: Religious Maturity in the Islamic Tradition*
TU WEI-MING	109	*The Confucian Perception of Adulthood*
THOMAS P. ROHLEN	125	*The Promise of Adulthood in Japanese Spiritualism*
SUSANNE HOEBER RUDOLPH and LLOYD I. RUDOLPH	145	*Rajput Adulthood: Reflections on the Amar Singh Diary*
MARTIN E. MALIA	169	*Adulthood Refracted: Russia and Leo Tolstoi*

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No. 3, Summer 1976, "Edward Gibbon and the Decline and Fall of the Roman Empire"

	v	*Preface*
	vi	*Bibliographical Note*
DAVID P. JORDAN	1	*Edward Gibbon: The Historian of the Roman Empire*
MARTINE WATSON BROWNLEY	13	*Gibbon: The Formation of Mind and Character*
JOHN CLIVE	27	*Gibbon's Humor*
ROBERT SHACKLETON	37	*The Impact of French Literature on Gibbon*
GIUSEPPE GIARRIZZO	49	*Toward the* Decline and Fall*: Gibbon's Other Historical Interests*
G. W. BOWERSOCK	63	*Gibbon on Civil War and Rebellion in the Decline of the Roman Empire*
PETER BROWN	73	*Gibbon's Views on Culture and Society in the Fifth and Sixth Centuries*
BERNARD LEWIS	89	*Gibbon on Muhammad*
STEVEN RUNCIMAN	103	*Gibbon and Byzantium*
OWEN CHADWICK	111	*Gibbon and the Church Historians*
ARNALDO MOMIGLIANO	125	*Gibbon from an Italian Point of View*
PETER BURKE	137	*Tradition and Experience: The Idea of Decline from Bruni to Gibbon*
J. G. A. POCOCK	153	*Between Machiavelli and Hume: Gibbon as Civic Humanist and Philosophical Historian*
STEPHEN R. GRAUBARD	171	*Edward Gibbon: Contraria Sunt Complementa*
JEAN STAROBINSKI	189	*From the Decline of Erudition to the Decline of Nations: Gibbon's Response to French Thought*

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FRANÇOIS FURET 209 *Civilization and Barbarism in Gibbon's History*

FRANCIS HASKELL 217 *Gibbon and the History of Art*

FRANK E. MANUEL 231 *Edward Gibbon: Historien-Philosophe*

REUBEN A. BROWER 247 *With Gibbon in Puerto Rico*

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No. 4, Fall 1976, "American Civilization: New Perspectives"

	v	*Preface*
WINTHROP D. JORDAN	1	*Searching for Adulthood in America*
TAMARA K. HAREVEN	13	*The Last Stage: Historical Adulthood and Old Age*
ROBERT COLES	29	*Work and Self-Respect*
WALLACE STEGNER	39	*The Writer and the Concept of Adulthood*
KENNETH S. LYNN	49	*Adulthood in American Literature*
ROGER ROSENBLATT	61	*Growing Up on Television*
JOSEPH GOLDSTEIN	69	*On Being Adult and Being An Adult in Secular Law*
WILLARD HURST	89	*Consensus and Conflict in Twentieth-Century Public Policy*
GERHARD CASPER	103	*Social Differences and the Franchise*
NATHAN GLAZER	115	*Liberty, Equality, Fraternity—and Ethnicity*
BARRY D. KARL	129	*Philanthropy, Policy Planning, and the Bureaucratization of the Democratic Ideal*
HARVEY C. MANSFIELD, JR.	151	*The Right of Revolution*

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Index of Authors, DAEDALUS, Volume 105, 1976

Bell, Pearl K., 115 *(Winter)*
Bellah, Robert N., 57 *(Spring)*
Bouwsma, William J., 77 *(Spring)*
Bowersock, G. W., 63 *(Summer)*
Brower, Reuben A., 247 *(Summer)*
Brown, Peter, 73 *(Summer)*
Brownley, Martine Watson, 13 *(Summer)*
Burke, Edmund III, 127 *(Winter)*
Burke, Peter, 137 *(Summer)*

Casper, Gerhard, 103 *(Fall)*
Cazes, Bernard, 47 *(Winter)*
Chadwick, Owen, 111 *(Summer)*
Clive, John, 27 *(Summer)*
Coles, Robert, 29 *(Fall)*

Erikson, Erik H., 1 *(Spring)*

Forster, Kurt W., 169 *(Winter)*
Furet, François, 209 *(Summer)*

Gellner, Ernest, 137 *(Winter)*
Giarrizzo, Giuseppe, 49 *(Summer)*
Glazer, Nathan, 115 *(Fall)*
Goldstein, Joseph, 69 *(Fall)*
Graubard, Stephen R., 171 *(Summer)*

Hareven, Tamara K., 13 *(Fall)*
Haskell, Francis, 217 *(Summer)*
Hurst, Willard, 89 *(Fall)*

Jordan, David P., 1 *(Summer)*
Jordan, Winthrop D., 1 *(Fall)*

Karl, Barry D., 129 *(Fall)*
Katchadourian, Herant A., 29 *(Spring)*
Kostof, Spiro, 189 *(Winter)*

Lapidus, Ira M., 93 *(Spring)*
Letwin, Shirley Robin, 1 *(Winter)*
Lewis, Bernard, 89 *(Summer)*
Lynn, Kenneth S., 49 *(Fall)*

Malia, Martin E., 169 *(Spring)*
Mansfield, Harvey C., Jr., 151 *(Fall)*
Manuel, Frank E., 59 *(Winter)*;
231 *(Summer)*
Miller, J. Hillis, 97 *(Winter)*
Momigliano, Arnaldo, 125 *(Summer)*

Pocock, J. G. A., 153 *(Summer)*

Rohlen, Thomas P., 125 *(Spring)*
Rosenblatt, Roger, 61 *(Fall)*
Rudolph, Lloyd I., 145 *(Spring)*
Rudolph, Susanne Hoeber, 145 *(Spring)*
Runciman, Steven, 103 *(Summer)*

Said, Edward W., 151 *(Winter)*
Shackleton, Robert, 37 *(Summer)*
Starobinski, Jean, 189 *(Summer)*
Stegner, Wallace, 39 *(Fall)*

Tanner, Tony, 23 *(Winter)*
Tu Wei-ming, 109 *(Spring)*

Von Staden, Heinrich, 79 *(Winter)*

Zerner, Henri, 177 *(Winter)*

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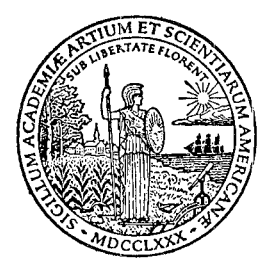

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